

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 16, 2000, 12:00 a.m. through June 1, 2000, 11:59 p.m.

Number 2000-12
June 15, 2000

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$160 for the *Bulletin* and \$35 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
FAX (801) 538-1728

ISSN 0882-4738

TABLE OF CONTENTS

1. SPECIAL NOTICES

Governor's Proclamation: Calling the Fifty-Third Legislature into a Tenth Extraordinary Session (Senate only)	1
Executive Order: "State of Emergency" Because of Fire Danger	1
Department of Administrative Services, Finance: Public Hearing - Rule R25-7, "Travel-Related Reimbursement for State Employees"	2
Department of Environmental Quality, Water Quality: Public Notice of the Change in Hearing Date for the Proposed Changes to R317-2-13, "Classification of Waters of the State"	2
Department of Community and Economic Development, Community Development, Library: Public Notice of Available Utah State Publications	3

2. NOTICES OF PROPOSED RULES

Agriculture and Food

Animal Industry

No. 22913 (Amendment): R58-7-2. Definitions	5
No. 22905 (Amendment): R58-14. Holding Live Raccoons or Coyotes in Captivity	5

Commerce

Occupational and Professional Licensing

No. 22887 (Amendment): R156-26 (Changed to R156-26a). Certified Public Accountant Licensing Act Rules	7
No. 22878 (New): R156-55d. Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	18
No. 22888 (Repeal): R156-65. Burglar Alarm Security and Licensing Act Rules	21

Environmental Quality

Drinking Water

No. 22883 (Amendment): R309-200 (Changed to R309-110). Facility Design and Operation: Definitions	23
No. 22884 (Amendment): R309-205 (Changed to R309-520). Facility Design and Operation: Disinfection	34
No. 22885 (Amendment): R309-210 (Changed to R309-545). Facility Design and Operation: Drinking Water Storage Tanks	38
No. 22886 (Amendment): R309-350 (Changed to R309-700). Utah Drinking Water Project Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Program: Policies and Guidelines	42

Human Services

Child and Family Services

No. 22876 (Amendment): R512-1. Description of Division Services, Eligibility, and Service Access	49
No. 22877 (Amendment): R512-41. Qualifying Adoptive Families and Adoption Placement	51

TABLE OF CONTENTS

Natural Resources

Wildlife Resources

No. 22880 (Amendment): R657-5. Taking Big Game 53

Transportation

Motor Carrier

No. 22912 (Amendment): R909-75. Safety Regulations for Motor Carriers Transporting
Hazardous Materials and/or Hazardous Wastes 55

3. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Natural Resources

Oil, Gas and Mining; Coal

No. 22906: R645-105. Blaster Training, Examination and Certification 58

No. 22907: R645-400. Inspection and Enforcement: Division Authorities and Procedures 58

Wildlife Resources

No. 22881: R657-15. Closure of Gunnison, Cub and Hat Islands 59

No. 22882: R657-21. Cooperative Wildlife Management Units for Small Game and Waterfowl 59

Public Safety

Driver License

No. 22908: R708-32. Uninsured Motorist Database 60

4. NOTICES OF RULE EFFECTIVE DATES 61

5. RULES INDEX 63

SPECIAL NOTICES

PROCLAMATION

WHEREAS, since the close of the 2000 General Session of the 53rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of June, 2000, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2000 General Session of the 53rd Legislature of the State of Utah.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 30th day of May, 2000.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

EXECUTIVE ORDER

Whereas, the danger from wildland fires is extremely high throughout the State of Utah; and

Whereas, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

Whereas, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended; and

Whereas, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

SPECIAL NOTICES

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of June 1, 2000, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 1st day of June, 2000.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

DEPARTMENT OF ADMINISTRATIVE SERVICES
FINANCE

PUBLIC HEARING
RULE R25-7, "TRAVEL-RELATED REIMBURSEMENT FOR STATE EMPLOYEES"

The Division of Finance will hold a public hearing on Wednesday, June 21, 2000, at 10:00 a.m. in room 403 of the State Capitol, Salt Lake City, UT.

The purpose of the hearing is to receive public comment on proposed changes to Rule R25-7, "Travel-Related Reimbursement for State Employees" that was published in the June 1, 2000, issue of the *Utah State Bulletin*, under DAR No. 22836.

Questions or written comments may be directed to: Teddy Cramer, Finance, PO Box 141031, Salt Lake City, UT 84114-1031; or by phone at (801) 538-3450, by FAX at (801) 538-3244, or by Internet E-mail at tcramer@fi.state.ut.us.

ENVIRONMENTAL QUALITY
WATER QUALITY

PUBLIC NOTICE
CHANGE IN HEARING DATE FOR THE PROPOSED CHANGES
TO R317-2-13, "CLASSIFICATION OF WATERS OF THE STATE"

The Division of Water Quality is changing the public hearing date for the proposed changes to R317-2-13, "Classification of Waters of the State". The date published in the June 1, 2000, issue of the *Utah State Bulletin* under DAR No. 22860 was June 29. This conflicts with the June meeting of the Water Quality Board, so the hearing date is changed to: June 28, 2000, at 1:00 p.m., in Room 101 of the Cannon Health Building at 288 North 1460 West, Salt Lake City, Utah.

Questions should be directed to: Dave Wham by phone at (801) 538-6052, by FAX at (801) 538-6016; or by Internet E-mail at dwham@email.state.ut.us.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY**

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications Lists No. 00-11, dated May 26, 2000, and No. 00-12, dated June 6, 2000. For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773. These lists are available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 16, 2000, 12:00 a.m., and June 1, 2000, 11:59 p.m., are included in this, the June 15, 2000, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least July 17, 2000. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through October 13, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-7-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22913
FILED: 06/01/2000, 14:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for the change in this rule is to remove a definition that is duplicated in another section of the rule.

SUMMARY OF THE RULE OR CHANGE: Remove Subsection R58-7-2(F) (Temporary Livestock Sales). The information in this section is duplicated in Section R58-7-4 and does not belong under "Definitions." Also, corrects spelling and punctuation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 4-2-2 and 4-30-3

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: There is no cost to state government. The change to this rule removes a definition that is duplicated in Section R58-7-4.
LOCAL GOVERNMENTS: There is no cost to local government. The change to this rule removes a definition that is duplicated in Section R58-7-4.
OTHER PERSONS: There will be no cost or savings. The change to this rule removes a definition that is duplicated in Section R58-7-4.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost. The change to this rule removes a definition that is duplicated in Section R58-7-4.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost to businesses. The change to this rule removes a definition that is duplicated in Section R58-7-4.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Seth Winterton at the above address, by phone at (801) 538-7141, by FAX at (801) 538-7126, or by Internet E-mail at agmain.swintert@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.
R58-7. Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons.

.....

R58-7-2. Definitions.

- A. "Commissioner" means the commissioner of Agriculture and Food.
B. "Livestock" means cattle, swine, equines, sheep, goats, camelids, [ratities]ratites, and bison.
C. "Representative[?]" means a dealer licensed in Utah under Section 4-7-7 who is a resident of this state, or who is a representative of, or who in any capacity conducts business with a livestock auction market licensed under Section 4-30-4, which does business with an in state or out of state satellite video livestock auction market.
D. "Satellite video livestock auction market" means a place or establishment or business conducted or operated for compensation or profit as a public market where livestock or other agricultural related products located in this state are sold or offered for sale at a facility within or outside the state through the use of an electronically televised or recorded media presentation, which is, or can be exhibited at a public auction.
E. "Livestock market" means a public market place consisting of pens or other enclosures where all classes of livestock or poultry are received on consignment and kept for subsequent sale, either through public auction or private sale.
[F. Temporary Livestock Sales. Temporary livestock sales open to public bidding shall require a temporary livestock sales license, except as outlined in R58-7-3(B). The Department of Agriculture and Food shall be notified 10 days prior to all such sales.
G]E. "Livestock dealer" means a person engaged in the business of purchasing livestock for immediate resale or interstate shipment for immediate resale.

KEY: livestock
[September 17, 1996]2000 4-2-2
Notice of Continuation May 17, 1996 4-30-3



Agriculture and Food, Animal Industry
R58-14
Holding Live Raccoons or Coyotes in Captivity

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22905
FILED: 05/30/2000, 10:11
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It is the intent of this rule to protect the health and safety of individuals by prohibiting the holding of a raccoon or coyote in captivity except as provided by this rule.

SUMMARY OF THE RULE OR CHANGE: This rule is set forth to govern the holding of live raccoons or coyotes in captivity. It is unlawful to engage in the possession of live raccoons or coyotes except as provided by this rule. Upon registration with the Department of Agriculture and Food, permission may be granted to the applicant to hold in live captivity raccoons or coyotes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(j) and Section 4-23-11

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No cost to the state budget--the cost would be to the owner if there is a penalty.
- ❖LOCAL GOVERNMENTS: No cost to local government--the cost would be to the owner if there is a penalty.
- ❖OTHER PERSONS: The cost would be to the owner if there is a penalty (see explanation given under "compliance costs for affected persons").

COMPLIANCE COSTS FOR AFFECTED PERSONS: A Class B Misdemeanor would cost no more than \$5,000.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Seth Winterton at the above address, by phone at (801) 538-7141, by FAX at (801) 538-7126, or by Internet E-mail at agmain.swintert@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-14. Holding Live Raccoons or Coyotes in Captivity.

.....

R58-14-2. Definitions.

For the purpose of this rule the following definitions apply:

A. Division means the Division of Wildlife Resources.

~~[B. Department means the Utah State Department of Health or the Utah Department of Agriculture and Food.~~

~~[E]B.~~ Person means an individual, association, partnership, government agency, or corporation, or any agent of the foregoing.

~~[D]C.~~ Possession means actual and constructive possession.

~~[E]D.~~ Raccoon means a depredating animal.

~~[F]E.~~ Coyote means a predatory animal.

~~[G]E.~~ Animal means raccoon or coyote.

~~[H]G.~~ Captivity means possession.

H. Unpermitted animal means a raccoon or coyote possessed by a person without a valid permit issued by the Department of Agriculture and Food for each individual animal.

R58-14-3. General.

The Division of Wildlife Resources, with the cooperation of the Department of Agriculture and Food and the Department of Health shall enforce this rule.

A. The Agricultural and Wildlife Damage Prevention Board, by authority granted under~~[Section]~~ 4-23, declares it unlawful to ~~engage in the possession of live~~import, distribute, relocate or possess live raccoons or coyotes except as provided by this rule.

B. Upon filing an application for registration with the Department of Agriculture and Food, upon forms provided by the ~~[D]department,~~ [permission may be granted to]a permit may be issued by the department authorizing the applicant to hold in live captivity raccoons or coyotes for research, educational, zoos, circuses, or other purposes authorized by the Department of Agriculture and Food.

C. A separate permit must be obtained from the department for each individual raccoon and coyote possessed, and the permit is valid only for the individual raccoon or coyote for which the permit was originally issued.

D. A person issued a permit to possess a live raccoon or coyote may not lend, sell, lease, assign, give, or otherwise transfer the permit, or any rights granted by the permit, to an other person.

E. A person may not use or attempt to use the permit of an other person.

~~[E]E.~~ Nuisance raccoons and coyotes may not be relocated following capture~~[d]~~, but may ~~[not be relocated.]be captured and euthanized or otherwise destroyed on location where capture is unfeasible.~~[No rabies vaccine is licensed for use in wild animals; therefore it is prohibited to import, distribute, relocate or keep raccoons or coyotes.]

G. Unpermitted animals may be seized immediately by the Division of Wildlife Resources, the Department of Health, the Department of Agriculture and Food, animal control officers, or peace officers where the person possessing the animal cannot produce, for each raccoon or coyote a valid permit issued for that particular animal.

(1) At the time the citation is issued, the aggrieved party may sign and indicate on the citation intent to seek administrative

review. Within fourteen days aggrieved party must make a written request to the Department of Agriculture and Food, pursuant to 4-1-3.5, to schedule an informal adjudicative proceeding to review the seizure of any unpermitted animal.

(2) Unpermitted animals seized by the Division of Wildlife Resources, the Department of Health, the Department of Agriculture and Food, an animal control officer, or a peace officer may be held and boarded by the state where the possessor verifies in writing at the time of seizure his or her intention to seek administrative review of the seizure under R58-14-3 G(1), and further agrees to compensate the state for all reasonable costs associated with boarding the subject animal during the pendency of the review process. In instances where the final adjudicative order finds possession of the subject animal lawful under these rules, all boarding expenses paid to the state under this section will be refunded.

(3) Unpermitted animals seized by the Division of Wildlife Resources, the Department of Health, or the Department of Agriculture and Food may be euthanized if the possessor does not verify at the time of seizure his or her intention to seek administrative reviews of the seizure under R58-14-3(1), or refuses to reimburse the state for the costs associated with boarding the animal.

(4) Unpermitted animals held or boarded by the state pursuant to R58-14-3 G(2) may be euthanized where the party fails to timely file a request provided under 4-1-3.5, or where remedies have been exhausted and the final order finds possession of the animal in violation of statute or this rule.

H. Any raccoon or coyote that bites or scratches a person or domestic animal shall be handled in accordance with R386-702-5.

R58-14-4. Penalty.

Any violation of this [section]rule is a Class B Misdemeanor.

KEY: administrative procedure, enforcement

~~January 16, 1996~~2000

4-2-2(1)(j)

Notice of Continuation April 7, 1997

4-23-11



Commerce, Occupational and Professional Licensing
R156-26
(Changed to R156-26a)
Certified Public Accountant Licensing Act Rules

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22887
FILED: 05/25/2000, 09:33
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 2000 Legislature passed S.B. 226, which was a rewrite of the Certified Public Accountant (CPA) Licensing Act. The CPA Licensing Act was renumbered from Title 58, Chapter 26, to Title 58, Chapter 26a. These proposed amendments clarify provisions of the new statute and make a number of technical updates or corrections.

SUMMARY OF THE RULE OR CHANGE: Rule number has been changed throughout from Rule R156-26 to Rule R156-26a. Updated statute citations throughout the rule. In Section R156-26-102, deleted unnecessary definitions that are either now in the statute or that are redundant. In Section R156-26-201, changed "quality review" to "peer review" and the corresponding names of the committees. The name of the program was changed in the statute; however, the program is basically the same. Subsection R156-26-201(3): The Peer Review Acceptance Body (PRAB) committee was previously created in another section of the rules (Subsection R156-26-303a(13)(b)). This correction does not change the establishment of this committee, but places its establishment in the same section where all the other committees were created rather than in a separate section. In Section R156-26-302b, deleted definitions for experiences that are no longer needed because they are included in the new statute. Deleted Section R156-26-302c, regarding transitional provisions are they are now included in the new statute. In Section R156-26-302d, deleted reference and requirements of examinations which are now included in the statute. In Section R156-26-303a, changed "quality" to "peer" as a result of the name change in the statute; deleted outdated portion of rule regarding 1994 implementation; replaced outdated reference to AICPA (American Institute of Certified Public Accountants) standards for peer review with standards which are in effect at the time of the review; deleted redundant requirements that are contained in the AICPA standard; deleted establishment of acceptance body, which is being placed in committee establishment section. In Section R156-26-307, deleted an outdated statute citation. In Section R156-26-501, deleted reference to copy of AICPA code of ethics being available at the division. While it is available at the division, the division should not be the primary source.

(DAR Note: S.B. 226 is found at 2000 Utah Laws 261, and was effective May 1, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-26a-101, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: AICPA Standards for Performing and Reporting on Peer Reviews (October 5, 1998 edition)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Minimal costs to the division to reprint the rules once they are made effective. Any costs associated

with the reprinting will be absorbed in the division's current budget. The proposed changes should not affect state government budget other than as it may apply to CPAs (certified public accountants) who may be employed by the state. If there is any such situation, impact is estimated to be very minimal.

❖LOCAL GOVERNMENTS: The proposed changes should not affect local government budgets other than as it may apply to CPAs who may be employed by the local government. If there is any such situation, impact is estimated to be very minimal.

❖OTHER PERSONS: Although there are a large number of technical corrections and revisions, the basic standards and requirements for licensure and renewal of licensure is unchanged and, therefore, any impact on licensees is expected to be very minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Although there are a large number of technical corrections and revisions, the basic standards and requirements for licensure and renewal of licensure is unchanged and, therefore, any impact on licensees is expected to be very minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these proposed amended rules is to incorporate the many technical changes required to conform the rules to the statutory rewrite passed during the 2000 legislative session. The only potential fiscal impact on the state budget or local governments would be the possibility of a minimal impact through the application of the rules on CPAs employed by state and local government. Although the proposed rule amendments have a large number of changes, they are technical and do not alter the basic standards and requirements for licensure or renewal and therefore will not fiscally impact the regulated professionals. Likewise, there will be no perceptible impact on the general public--Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsjones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/28/2000, 1:00 p.m., 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-26a. Certified Public Accountant Licensing Act Rules.
R156-26a-101. Title.**

These rules are known as the "Certified Public Accountant Licensing Act Rules".

R156-26a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 26a, as defined or used in these rules:

(1) [~~"Act" means Title 58, Chapter 26, the Certified Public Accountant Licensing Act:~~

~~—(2)—]~~"Administering organization" means an organization approved by the Division of Occupational and Professional Licensing and the Utah Board of Accountancy which will administer [quality]peer reviews in the [Quality]Peer Review Program.

(~~3~~)2] "AICPA" means American Institute of Certified Public Accountants.

[~~—(4) "Committees" as used in these rules means the Education Advisory Committee, the Quality Review Oversight Committee (QROC), the Technical Standards Advisory Committee, and the Continuing Education Advisory Committee created in Section R156-26-201.~~

~~—(5) "Conditioned" means that a person has taken the entire AICPA uniform examination and in one sitting has passed two or more subjects or both sections of any subjects having more than one section, and received a score of at least 50% in each subject not passed.~~

~~—(6) "Firm" means an individual, a proprietorship, a partnership, a professional corporation or any other organization engaged in the practice of public accounting as set forth under Subsection 58-26-2(8) of the Certified Public Accountant Licensing Act.]~~

(~~7~~)3] "Incidental to regular practice" as defined in Subsection [~~58-26-2(9)~~]58-26a-305(1)(a) is further defined to mean:

(a) An individual or a firm licensed as a certified public accountant or equivalent designation in any other state, district, or territory of the United States or any foreign country may perform services in this state for a client whose principal office or residence is located outside of this state as long as the services are incidental to primary services being performed outside of this state for that client.

(b) An individual or firm licensed in another jurisdiction, as incidental to their practice in such other jurisdiction, may advertise in this state that their services are available by any means including, but not limited to television, radio, newspaper, magazine or Internet advertising provided such representations are not false, misleading or deceptive; and provided that such individual or firm does not establish a CPA/Client relationship to perform services requiring a CPA license or CPA firm registration with any individual, business or other legal entity having its principal office or residence in this state without first obtaining a CPA license and CPA firm registration in this state.

(c) Incidental to regular practice in another jurisdiction includes a licensed CPA or equivalent designation continuing a CPA/Client relationship with an individual which originated while

the client's residence was located outside of this state but thereafter the client moved their residence to this state.

~~[(8) "Institution acceptable to the board" means an educational institution which meets the requirements set forth in R156-26-302a.]~~

[(9)4] "Qualified continuing professional education (CPE)" as used in these rules means continuing education that meets the standards set forth in Section R156-26a-303b.

~~[(10) "Qualifying Examination" means the AICPA Uniform CPA Examination, the Utah law and rules examination and the AICPA Self Study Examination known as the "Professional Ethics for CPAs" or an equivalent ethics examination administered by another state licensing board.]~~

[(11)5] "Standard setting bodies" means the Financial Accounting Standards Board, the Government Accounting Standards Board, the American Institute of Certified Public Accountants, the Securities and Exchange Commission, and the Federal Accounting Standards Advisory Board and other generally recognized standard setting bodies.

[(12)6] "Unprofessional conduct" as defined in Title 58, Chapters 1 and 26a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-26a-501.

[(13)7] "Year of review" means the calendar year during which a quality review is to be conducted.

~~[(14) "Year under review" means the lesser of the twelve-month period or the period the firm has been in existence that will be reviewed by the reviewers:]~~

R156-26a-103. Authority.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 26a.

R156-26a-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-26a-201. Advisory Peer Committees Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(6), the Education Advisory Committee to the Utah Board of Accountancy consisting of one full-time faculty from each college or university in Utah which has an accredited program as set forth in Section R156-26a-302a, a majority of which committee are to be licensed CPAs.

(a) The Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the Education Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:

(i) reviewing an applicant's transcript of credits to determine satisfactory completion of the education requirements prior to approving the applicant to take the qualifying examination and advising the board as to the acceptability of an educational institution.

(c) The committee shall consider the following when advising the board of the acceptability of the educational institution:

(i) the institution's accreditation, the acceptability by other state licensing boards, faculty qualifications and other educational resources.

(2) There is created in accordance with Subsection 58-1-203(6), the [Quality]Peer Review Oversight Committee ([Q]PROC) to the Utah Board of Accountancy consisting of ~~[not more than seven]~~ five licensed CPAs who represent a cross section of Utah firms.

(a) The committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the [Q]PROC shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:

(i) monitoring of the administering organization to provide reasonable assurance that [quality]peer reviews are being conducted and reported on in accordance with the [quality]peer review minimum standards;

(ii) reviewing the policies and procedures of administering organization applicants as to their conformity with the [quality]peer review minimum standards; and

(iii) reporting to the board on conclusions reached and making recommendations, including the continued approval of the administering organization, as a result of performing the functions described in R156-26a-201(2)(b)(i) and (ii). Reports submitted to the board will not contain information concerning specific firms or reviewers;

(iv) consulting with the division regarding appropriate handling of individual licensees and firms which have unresolved matters resulting from the [quality]peer review process or have not complied with or have disregarded the [quality]peer review requirement; and

(v) other related duties and responsibilities as may be assigned by the board.

(c) The oversight procedures to be performed by the [Q]PROC in monitoring of the administering organizations may consist of the following:

(i) where the administering organization is the AICPA [Quality]Peer Review Program or other approved administering organizations other than the SEC Practice Section (SECPS) and the Private Companies Practice Section (PCPS), the [Q]PROC may perform the following functions:

(A) visit each administering organization ~~[annually]~~.

(B) during the visits, the [Q]PROC ~~may~~ shall:

(I) meet with the organization's [quality]peer review [Q]PROC during the [Q]PROC's consideration of [quality]peer review documents;

(II) review the organization's procedures for administering the [quality]peer review program;

(III) review, on the basis of a random selection, a number of on-site and off-site reviews administered by the organization to include, at a minimum, a review of the report on the [quality]peer review, the letter of comments, if any, the firm's response to the matters discussed in the letter of comments, the administering organization's acceptance letter outlining any additional corrective or monitoring procedures, and the working papers on the selected reviews. The purpose of the review by the [Q]PROC is to determine whether the reviews are being conducted and reported on

in accordance with the [quality]peer review minimum standards; and

(IV) expand the review of [quality]peer review documents if significant deficiencies, problems, or inconsistencies are encountered during the review of the above-described documentation.

(C) based on the foregoing procedures, make a [n-annual] recommendation to the board as to the continued use of the administering organization;

(D) obtain reports and any documentation that are available from the oversight committees that perform the same procedures as described in R156-26a-201(2)(c)(i)(B)(I), (II), (III) and (IV).

(ii) for reviews administered by the PCPS, review the [annual] statistics obtained from PCPS and perform other procedures as considered appropriate. Based on the results of its review, the committee shall make a [n-annual] recommendation to the board as to the qualifications of PCPS as an approved administering organization.

(iii) where the administering organization is the SECPs, the [Q]PROC shall review the published annual report of the Public Oversight Board and conclude whether the procedures carried out by the Public Oversight Board and the disclosures contained in the annual report are indicative of an acceptable level of oversight. Based on the results of its review, the [Q]PROC shall make a [n-annual] recommendation to the board as to the qualification of SECPs as an approved administering organization.

(d) With respect to proposals made by a prospective administering organization, the [Q]PROC shall perform the following procedures:

(i) review the policies as drafted by the prospective administering organization to determine whether they will provide reasonable assurance of conforming with the minimum standards for [quality]peer reviews;

(ii) review the procedures as proposed by the prospective administering organization to determine whether they will ensure the following:

(A) reviewers assigned are appropriately qualified to perform the review for the specific firm;

(B) reviewers are provided with appropriate materials, such as checklists;

(C) the prospective administering organization will consult with the reviewers on problems arising during the [quality]peer review and that specified occurrences requiring consultation are outlined;

(D) the prospective administering organization will review the results of the [quality]peer review; and

(E) the prospective administering organization has provided for an independent report acceptance body that meets the standards for [quality]peer review; the report acceptance body shall consider and accept the results of the review; the report acceptance body shall also require corrective actions of firms with significant deficiencies noted in the review process.

(iii) make recommendations to the board as to the acceptance of proposals to serve as an administering organization.

(3) There is created in accordance with Subsection 58-1-203(6), the Peer Review Acceptance Body Committee (PRAB) to the Utah Board of Accountancy consisting of not more than ten licensed CPAs.

(a) The committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the PRAB shall include administration of peer reviews in which the Division is the administering organization and shall include considering and accepting the results of peer reviews and requiring corrective action of firms with significant deficiencies noted in the review process.

(~~3~~)4 There is created in accordance with Subsection 58-1-203(6), the Continuing Education Advisory Committee to the Utah Board of Accountancy consisting of not more than seven licensed CPAs.

(a) The Continuing Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the Continuing Education Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:

(i) recommending CPE guidelines and standards;

(ii) evaluating compliance of CPE programs; and

(iii) performing random audits to determine compliance with the CPE requirements and the standards for CPE programs.

(~~4~~)5 There is created in accordance with Subsection 58-1-203(6), the Technical Standards Advisory Committee to the Utah Board of Accountancy consisting of not more than seven licensed CPAs.

(a) The Technical Standards Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the Technical Standards Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:

(i) reviewing documents, reports, financial statements, and recommending whether or not those records conform to the standards of the profession;

(ii) reviewing complaints and recommending whether certain acts, practices or omissions violate the ethical standards of the profession;

(iii) providing technical assistance to the division; and

(iv) serving as expert witnesses at administrative hearings.

R156-26a-302a. Qualifications for CPA Licensure - Education Requirements.

The education requirements for CPA licensure in Subsection ~~58-26-4(1)(d)(ii)~~ 58-26a-302(1)(d) are defined, clarified, or established as follows:

(1) An applicant shall submit transcripts showing completion of course work consisting of a minimum of 150 semester hours (225 quarter hours) as follows:

(a) a graduate or undergraduate program within an institution whose business or accounting education program is accredited by the American Assembly of Collegiate Schools of Business (AACSB), or the Association of Collegiate Business Schools and Programs (ACBSP), from which the applicant received one of the following:

(i) a graduate degree in accounting;

(ii) a graduate degree in business including not less than:

(A) 24 semester hours (36 quarter hours) in upper division accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting; or

(B) 15 semester hours (23 quarter hours) graduate level accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting; or

(C) an equivalent combination of graduate and upper division accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting with one hour of graduate level course work being equivalent to 1.6 hours of upper division course work; or

(iii) a baccalaureate degree in business or accounting and 30 semester hours (45 quarter hours) beyond the requirements for a baccalaureate degree which includes not less than:

(A) 16 semester hours (24 quarter hours) in upper division accounting courses, which when combined with the accounting courses listed in Subsection (B) below, have at least one course with a minimum of two semester hours (three quarter hours) each covering the subjects of financial accounting, auditing, taxation, and management accounting;

(B) eight semester hours (12 quarter hours) in graduate level accounting courses, which when combined with the accounting courses listed in Subsection (A) above, have at least one course each covering the subjects of financial accounting, auditing, taxation, and management accounting;

(C) 12 semester hours (18 quarter hours) in upper division non-accounting business courses;

(D) 12 semester hours (18 quarter hours) in graduate level business or accounting courses; and

(E) 10 semester hours (15 quarter hours) of either graduate or upper division accounting or business courses.

(b) a graduate or undergraduate program from an institution accredited by the Northwest Association of Schools and Colleges, Commission on Colleges, or the North Central Association of Colleges and Schools, Commission on Institutions of Higher Education, or an equivalent accrediting institution from which the applicant received a baccalaureate or graduate degree with not less than:

(i) 30 semester hours (45 quarter hours) in business or related courses providing a minimum of two semester hours (three quarter hours) in each of the following subjects:

(A) business law;

(B) computers;

(C) economics;

(D) ethics;

(E) finance;

(F) statistics and quantitative methods;

(G) written and oral communications; and

(H) business administration such as marketing, production, management, policy or organizational behavior;

(ii) 24 semester hours (36 quarter hours) in upper division accounting courses with a minimum of two semester hours (three quarter hours) in each of the following subjects:

(A) auditing;

(B) finance;

(C) managerial or cost;

(D) systems; and

(E) taxes; and

(iii) 30 semester hours (45 quarter hours) beyond the requirements for a baccalaureate degree of additional business related course work including not less than:

(A) eight semester hours (12 quarter hours) in graduate accounting courses;

(B) 12 semester hours (18 quarter hours) in graduate accounting or graduate business courses; and

(C) 10 semester hours (15 quarter hours) of additional business related hours shall be taken in upper division undergraduate or graduate level courses.

(2) The division in collaboration with the board or the education subcommittee of the board may make a written finding for cause that a particular accredited institution or program is not acceptable.

(3) The Division in collaboration with the board or the education subcommittee of the board may accept education of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from the National Association of State Boards of Accountancy (NASBA) verification of compliance with the terms of an agreement for reciprocal licensure between the foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be substantially equivalent to the 1994 Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.

R156-26a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(7) and 58-1-301(3), the experience requirements for licensure in ~~Subsection 58-26-4(1)(e)]~~ Section 58-26a-302 are ~~[defined, —]~~ clarified, or ~~[established]~~ supplemented as follows:

(1) ~~["Qualifying experience" as defined in Subsection 58-26-2(15) and as required as a condition for licensure in Subsection 58-26-4(1)(e) shall be completed in a public accounting firm or an organization providing equivalent experience as determined by the division in collaboration with the board under the supervision of a licensed CPA who is an officer, shareholder, partner, proprietor or manager within that CPA firm or organization. The firm or organization shall be regularly engaged in the practice of public accountancy as defined in Subsection 58-26-2(12). Recognition shall be given to "qualifying experience" obtained only after completion of the education requirement upon which the application for licensure is based.~~

~~(2) "Accounting experience" shall be completed under the supervision of a licensed CPA and may be performed in a public accounting firm or other organization. The accounting experience shall include the performance of one or more types of services or functions involving the use of accounting or auditing skills, one or more types of management advisory or consulting skills, or the preparation of tax returns or the furnishing of advice on tax matters. The accounting experience shall provide the applicant the opportunity to gain an understanding of the entire accounting and reporting cycle comprising the generation and recording of transactions through the preparation and analysis of financial statements. The accounting experience does not, however, need to be derived through the maintenance of a set of accounting records or ledgers. The accounting experience may be derived either in the practice of public accountancy or not in the practice of public accountancy, through employment in private industry, education or~~

the government sector. Prior to July 1, 1994, an applicant with a baccalaureate degree with less than 150 semester hours shall obtain 2000 hours of accounting experience before being permitted to take the qualifying examination. Accounting experience shall not be counted as satisfying the qualifying experience requirement. After July 1, 1994, an applicant with a baccalaureate degree with 150 or more semester hours may obtain accounting experience either before or after satisfying the education requirement and shall be permitted to take the qualifying examination upon completion of the educational requirements whether or not the accounting experience requirement has been completed.

—(3)—]The Division in collaboration with the board may accept experience of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from the National Association of State Boards of Accountancy (NASBA) verification of compliance with the terms of an agreement for reciprocal licensure between the foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be substantially equivalent to the 1994 Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.

[R156-26-302c. Transitional Provisions:

—(1) An individual whose qualifications for licensure are based upon obtaining a baccalaureate degree without completion of the 150 semester hour requirement, who conditioned on the qualifying examination prior to July 1, 1994, and who subsequently passes all parts of the examination within six immediately successive examination administrations, shall have until July 1, 2004, to obtain three years of qualifying experience for licensure without being required to complete the 150 semester hour education requirement.

—(2) An individual approved to take the qualifying examination prior to July 1, 1994, based upon the baccalaureate standard, who has not taken, has not passed, or has not conditioned on the qualifying examination prior to July 1, 1994, and does not pass the examination in the immediate six successive examination administrations of the examination after conditioning, shall be required to qualify for any subsequent administration of the examination and licensure by meeting the 150 semester hour education requirement.

—(3) After July 1, 1994, no individual will be approved to take the qualifying examination without completing the 150 semester hour education requirement, unless the individual is one who conditioned on the examination prior to July 1, 1994, and the individual is taking one of the examinations included in the immediate six successive administrations of the examination after conditioning.

—(4) The education requirements for licensure in Subsection 58-26-4(1)(d)(i), for applicants referred to in this section who have conditioned on the exam prior to July 1, 1994, are defined, clarified, or established to include completion of a baccalaureate degree at an institution approved under Section R156-26-302a or approved by the board as equivalent, which shall include not less than:

—(a) 24 semester hours(36 quarter hours) in upper division accounting courses including not less than one course each in financial accounting, systems, auditing, taxation, and management accounting; and

—(b) 30 semester hours(45 quarter hours) of upper division non-accounting business courses.

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R156-26a-302d. Qualifications for Licensure - Examinations.

(1) [The qualifying examinations required for licensure as provided for in Subsections 58-26-4(1)(f), 58-26-5(2), 58-26-6(1)(a), and 58-26-2(14) shall include the following examinations:

—(a) the Uniform CPA Examination of the American Institute of Certified Public Accountants.

—(i) A person must sit for all parts of the uniform examination upon their first and all subsequent sittings of the uniform examination unless previously conditioned upon. A person who conditioned on the uniform examination shall receive credit for the parts passed and shall have six successive examination administrations to pass the remaining parts without being required to retake the entire examination.

—(ii)—]The Division in collaboration with the board may accept testing of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from the National Association of State Boards of Accountancy (NASBA) verification of compliance with the terms of an agreement for reciprocal licensure between the foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be substantially equivalent to the 1994 Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.

[—(b) the American Institute of Certified Public Accountants Self Study Ethics Examination; and

—(c) the Utah Laws and Rules Examination:]

R156-26a-303a. Renewal Requirements - [Quality]Peer Review.

(1) General.

In accordance with Subsections 58-1-308(3)(b) and 58-26a-303(2)(b)[Section 58-26-7], there is created a [quality]peer review requirement as a condition for renewal of licenses issued under the Certified Public Accountant Licensing Act, providing for review of the work products of licensees and firms.

(a) The purpose of the program is to monitor compliance with applicable accounting and auditing standards adopted by generally recognized standard setting bodies. The program shall emphasize education and may include other remedial actions determined appropriate where a firm's work product and services do not comply with established professional standards. In the event a firm is unwilling or unable to comply with established standards, or intentionally disregards professional standards so as to warrant disciplinary action, the committee shall refer the matter to the division and shall consult with the division regarding appropriate action to protect the public interest.

(2) Scheduling of the [Quality]Peer Review.

(a) A firm's initial [quality]peer review [will be assigned a due date with the administering organization by July 1, 1994 unless the firm was created after July 1, 1994, in which case the firm's initial quality review] shall be assigned a due date to require that the initial review be started no later than 18 months after the date of the issuance of its initial report as defined in Subsection [58-26-2(17)]58-26a-102(16).

(b) Not less than once in each three years a firm engaged in the practice of public accounting shall undergo, at its own expense, a ~~[quality]~~peer review commensurate in scope with its practice.

(c) The administering organization will assign the year of review. A firm enrolled in a practice monitoring program which is administered by the American Institute of Certified Public Accountants (AICPA) will use the year of review assigned by the AICPA. The firm will notify the administering organization of the deadlines set by the AICPA.

(d) A ~~[quality]~~peer review number will be assigned by the administering organization. The firm is required to provide this number and its registration number assigned by the division to all licensees employed by the firm. Licensees will be required to include these numbers with their application for renewal of a license to practice public accounting.

(3) Selection of a ~~[Quality]~~Peer Reviewer.

A firm scheduled for ~~[quality]~~peer review shall engage a reviewer qualified to conduct the ~~[quality]~~peer review.

(4) Qualifications of a ~~[Quality]~~Peer Reviewer.

(a) ~~[Quality]~~Peer reviewers must provide evidence of one of the two following minimum qualifications to the administering organization:

(i) acceptance as a peer reviewer ~~[or quality reviewer]~~ by the AICPA; or

(ii) compliance with the qualifications required by the AICPA to qualify as a peer reviewer~~[or quality reviewer]~~.

(b) ~~[Quality]~~Peer reviewers must be licensed or hold a permit to practice as a CPA in the state of Utah or another state or jurisdiction of the United States.

(c) The administering organization will approve reviewers for those reviews not administered by the AICPA.

(5) Conduct of ~~[Quality]~~Peer Review. ~~[Quality]~~Peer review shall be conducted as follows:

(a) ~~[Minimum]~~Standards for review: ~~[The]~~Peer reviews shall be conducted according to the "Standards for Performing and Reporting on Peer Reviews" promulgated by the AICPA, effective ~~[April 13, 1995]~~October 5, 1998 as amended, are hereby incorporated by reference and adopted as the minimum standards for quality reviews of all firms. ~~[A copy of this document can be obtained at the Division of Occupational and Professional Licensing.]~~ This section shall not require any firm or licensee to become a member of AICPA or any administering organization.

~~—(b) On-Site Review: In the case of a firm which performs one or more audits of historical financial statements or examinations of prospective financial statements, the quality review shall include an on-site study and evaluation of a representative selection of audit, examination, review and compilation reports, the financial statements upon which those reports were based and the associated working papers. The on-site review shall include procedures sufficient to provide the quality reviewer with a reasonable basis upon which to issue a report as required by R156-26-303a(6)(a).~~

~~—(c) Off-Site Review: In the case of a firm which performs no audit or examination engagements, but does perform one or more review engagements or one or more compilation engagements, the quality review may be limited to an off-site study and evaluation of review and compilation reports and the financial statements upon which those reports were based. The off-site review need not include a study of the associated working papers, but shall include procedures sufficient to provide the quality reviewer with a~~

reasonable basis upon which to issue a report as required by R156-26-303a(6)(b):

~~—(6) Results of Review:~~

~~—(a) In the case of a firm which performs one or more audit or examination engagements, upon completion of the quality review, the reviewer shall issue a report which, at a minimum, shall consist of a letter setting forth the scope of the quality review, including any limitations thereon; identifying the comprehensive set of standards under which the quality review was performed; stating an opinion on whether, during the year under review, the system of quality control for the accounting and auditing practice of the firm under quality review met the objectives of quality control standards generally recognized in the profession as authoritative, and whether that system of quality control was being complied with so as to provide the firm with reasonable assurance of conforming with professional standards. That letter shall also describe the reason for any modification or qualification of the report set forth in R156-26-303a(6)(d):~~

~~—(b) In the case of a firm which performs no audit or examination engagements, but does perform one or more compilation engagements or one or more review engagements, upon completion of the quality review, the quality reviewer shall issue a report which, at a minimum, consists of a letter describing the limited scope of the quality review and disclaiming an opinion or any form of assurance about the firm's quality control policies and procedures for its accounting practice; identifying the comprehensive set of standards under which the quality review was conducted; stating whether anything came to the quality reviewer's attention that caused the quality reviewer to believe that the review or compilation reports submitted for quality review did not conform with the requirements of professional standards in all material respects. If applicable, the letter or a separate letter of comments shall describe the general nature of significant departures from professional standards disclosed by the quality review; and, if the departures from professional standards disclosed by the quality review are sufficiently numerous or serious, the letter shall set forth the quality reviewer's conclusion that the firm did not have reasonable assurance of conforming with professional standards in the conduct of its accounting practice during the year under review:~~

~~—(c) In the case of a firm which performs one or more audits or examinations, an "unqualified" report shall be a report in which the quality reviewer expresses the opinion that the system of quality control for the accounting and auditing practice of the firm met the objectives of quality control standards generally recognized in the profession and was being complied with during the year under review so as to provide the firm with reasonable assurance of conforming with professional standards:~~

~~—(d) In the case of a firm which performs one or more audits or examinations, any report which sets forth an opinion other than an unqualified opinion, or which qualifies, limits or changes that opinion shall be a "modified report".~~

~~—(e) In the case of a firm which performs no audit or examination engagements, but does perform one or more review engagements or one or more compilation engagements, an "unqualified" report shall be a report which states that nothing came to the quality reviewer's attention that caused the quality reviewer to believe that the review or compilation reports submitted for review did not conform with the requirements of professional standards in all material respects.~~

~~— (f) In the case of a firm which performs no audit or examination engagements, but does perform one or more review engagements or one or more compilation engagements, any report which sets forth a statement other than an unqualified report, or which limits, qualifies or changes that statement shall be a "modified report".~~

~~— (g) The quality reviewer shall also issue to the firm under review, if appropriate, a letter of comments suggesting areas where improvement can be made.~~

~~— (h) The reviewer shall issue a report to the firm within 30 days after completion of the review.~~

~~— (i) The firm shall file the final report and letter of comments, if applicable, issued by the quality reviewer and the firm's response to the letter of comments with the responsible administering organization within 30 days after the receipt of the reports.]~~

~~([7]6) Procedures in Case of Substandard Review, a Modified or Adverse Report or repeat findings.~~

~~(a) [If the report issued as a result of a quality review is "unqualified", the administering organization shall take no further action, provided that the quality review was conducted in accordance with these rules. Modified reports identifying practice behavior which is below accepted standards but which may be corrected by a change in practice methodologies or education shall be monitored by the administering organization. The administering organization shall assure that the firm demonstrates that changes in practice methodologies or additional education suggested by the quality reviewer or deemed necessary by the administering organization have been completed. If the report is "modified", the administering organization will refer to the QROC any unresolved matters.~~

~~— (b) [If the administering organization or the [Q]PROC finds that a [quality]peer review was not performed in accordance with these rules or the peer review results in a modified or adverse report or in repeat findings, the PRAB may require remedial action to assure that the review or performance of the CPA or CPA firm being reviewed meets the objectives of the peer review program.], in addition to any other action permitted by law, the administering organization or the QROC may, at its discretion, require the firm to undergo additional quality reviews at times and on terms as the administering organization or the QROC may determine. The cost of the additional reviews shall be the responsibility of the firm.~~

~~— (c) To monitor situations in R156-26-303a(7)(a) and (b), the QROC may review information and documents maintained by the reviewers and the administering organization.~~

~~— (d) If a firm does not comply with any remedial actions determined appropriate by the administering organization or the QROC, the administering organization or the QROC will refer the firm to the division and the board, to determine if disciplinary action is warranted.]~~

~~([8]7) Review of Multi-State Firms.~~

~~(a) With respect to a multi-state firm, the [Q]PROC may accept a [quality]peer review based solely upon work conducted outside of this state as satisfying the requirement to undergo [quality]peer review under these rules, if:~~

~~(i) the [quality]peer review is conducted during the year scheduled or rescheduled under R156-26a-303a(2);~~

~~(ii) the [quality]peer review is performed in accordance with requirements equivalent to those of this state;~~

~~(iii) the [quality]peer review:~~

~~(A) studies, evaluates and reports on the quality control system of the firm as a whole in the case of on-site reviews, or;~~

~~(B) results in an evaluation and report on selected engagements in the case of off-site reviews;~~

~~(iv) the firm's internal inspection procedures require that the firm's personnel from another office outside the state perform the inspection of the office located in this state not less than once in each three year period; and~~

~~(v) at the conclusion of the [quality]peer review, the [quality]peer reviewer issues a report equivalent to that required by R156-26a-303a(6).~~

~~(b) A multi-state firm not granted approval under R156-26a-303a(8)(a) shall undergo a [quality]peer review pursuant to these rules which shall comply with R156-26a-303a(8)(a) of the multi-state firm within this state.~~

~~(c) A multi-state firm seeking approval under R156-26a-303a(8)(a) shall submit an application to the administering organization by February 1 of the year of review establishing that the [quality]peer review it proposes to undergo meets all of the requirements of R156-26a-303a(5).~~

~~(d) A multi-state firm shall submit the [quality]peer review report it receives to the Utah administering organization as required by R156-26a-303a(6) within 30 days of acceptance.~~

~~([9]8) Exemption.~~

~~(a) A firm which does not perform services as set out in R156-26a-303a(5)(b) or (c) is exempt from [quality]peer review and shall notify the Division of Occupational and Professional Licensing of the exemption at the time of renewal of its registration. A firm which begins providing these services must commence a [quality]peer review within 18 months of the date of the issuance of its initial report as defined in Subsection [58-26-2(17)]58-26a-102(16).~~

~~([10]9) Mergers, Combinations, Dissolutions or Separations.~~

~~(a) Mergers or combinations: In the event that two or more firms are merged or sold and combined, the surviving firm shall retain the year of review of the largest firm.~~

~~(b) Dissolutions or separations: In the event that a firm is divided, the new firms shall retain the year of review of the former firm. In the event that this period is less than 12 months, a new year shall be assigned so that the review occurs after 12 months of operation.~~

~~(c) Upon application to the administering organization and a showing of hardship caused solely by compliance with R156-26a-303a(10)(a) or (b), the [Q]PROC may authorize a change in a firm's year of review.~~

~~([11]10) Extension.~~

~~(a) If the firm can demonstrate that the time established for the conduct of a [quality]peer review will create an unreasonable hardship upon the firm, the [Q]PROC may approve an extension not to exceed 180 days from the date the [quality]peer review was originally scheduled. A request for extension shall be addressed in writing by the firm to the [Q]PROC, in care of the division, with a copy to the administering organization responsible for administration of that firm's [quality]peer review. The written request for extension must be received by the [Q]PROC and the administering organization not less than 30 days prior to the date of scheduled review or the request will not be considered. The [Q]PROC shall inform the administering organization of the approval of any extension.~~

~~(12)11~~ Retention of Documents Relating to Quality Peer Reviews.

(a) All documentation necessary to establish that each quality peer review was performed in conformity with quality peer review standards adopted by the board, including the quality peer review working papers, the quality peer review report, comment letters and related correspondence indicating the firm's concurrence or nonconcurrence, and any proposed remedial actions and related implementation shall be maintained.

(b) The documents described in R156-26a-303a(12)(a) shall be retained for a period of time corresponding to the designated retention period of the relevant administering organization and, upon request of the QPROC, shall be made available to it. In no event shall the retention period be less than 90 days.

~~(13)12~~ Costs and Fees for Quality Peer Review.

(a) All costs associated with firm-on-firm reviews will be negotiated between the firm and the reviewer and paid directly to the reviewer. All costs associated with committee assigned review team (CART) reviews will be set by the administering organization. The administering organization will collect the fees associated with CART reviews and pay the reviewer.

(b) All costs associated with the administration of the review process, including the administering organization and the QPROC, will be paid from fees charged to the firms. The fees will be collected by the administering organization. The schedule of fees will be included in the administering organization's proposal. The fee schedule will specify how much is to be paid each year and will be based on the firm size.

~~(14)13~~ Quality Peer Review Administered by the Division of Occupational and Professional Licensing.

(a) Any firms not participating in a quality peer review program administered by an administering organization approved by the QPROC will be administered by the division.

~~(b) The division will appoint an independent acceptance body, to review and determine the results of a firm's quality review in substantially the same manner as the minimum standards described in Subsection R156-26-303a(5)(a):~~

~~(i) The acceptance body shall consider and accept the results of the review, and require corrective actions of firms with significant deficiencies noted in the review process.]~~

~~(15)14~~ [Pursuant to Subsection 58-26-7(4)(c), all] All financial statements, working papers, or other documents reviewed are confidential. Access to those documents shall be limited to being made available, upon request, to the Quality Peer Review Oversight Committee, the Quality Peer Review Acceptance Body or the technical reviewer for purposes of assuring that quality peer reviews are performed according to professional standards.

R156-26a-303b. Renewal and Reinstatement Requirements - Continuing Professional Education (CPE).

(1) Standards for programs which qualify. Qualified continuing professional education must be current and relevant to the practice of accountancy and maintain or increase the licensee's competence and shall meet the following standards:

(a) an outline of the program shall be prepared in advance and retained by the program sponsor for four years from the date of the program;

(b) the program developers and instructors shall be qualified in content and teaching methods used to develop and teach the subjects covered;

(c) the program shall clearly identify learning objectives and specify the level of knowledge participants should have in order to participate in the program;

(d) the program shall be reviewed or evaluated by a qualified person other than the developer or instructor to ensure compliance with these standards and evidence of such review shall be available upon request;

(e) the program sponsors shall have an effective means for evaluating the performance of the program including whether the standards described herein have been met;

(f) participants shall be informed in advance of objectives, prerequisites, prior education or experience levels needed, program content, nature and extent of advance preparation, teaching method to be used, recommended or approved continuing professional education hours allowed for credit, and any relevant administrative policies necessary to obtain the maximum benefit of the program and encourage participation only by individuals with appropriate education or experience;

(g) the program sponsor shall maintain a record of registration and attendance for four years from the date of the program;

(h) the number of participants and physical facilities shall be consistent with the teaching method specified;

(i) Subjects which qualify. The program and material provided to participants shall be sufficient to meet the program objectives and be current, relevant and technically accurate for the approved subjects which qualify under this section. These include:

(i) Accounting and Auditing;

(ii) Taxation;

(iii) Management Advisory Services;

(iv) Information Technology;

(v) Communication Arts;

(vi) Mathematics, Statistics, Probability and Quantitative Analysis;

(vii) Economics;

(viii) Business Law and Litigation Support;

(ix) Functional Fields of Business:

(A) Finance;

(B) Production;

(C) Marketing;

(D) Personnel Relations, Development and Management;

(E) Business Management and Organizations;

(F) Social Environment of Business;

(G) Specialized Areas of Industry such as Film Industry, Real Estate, Farming;

(j) Program Sponsorship. A program may be sponsored by one of the following, provided that all standards are met:

(i) professional development programs of recognized national and state accounting organizations;

(ii) technical sessions at meetings of recognized national and state accounting organizations and their chapters;

(iii) formal organized in-firm educational programs;

(iv) programs of other state or nationally recognized non-profit or educational organizations including colleges and universities; and

(v) any other program that complies with the standards of this section;

(k) Continuing Education Credit Hours. Qualifying continuing education programs must be at least 50 minutes in length. Continuing education credits will be determined based on the total number of minutes of formal presentations, supervised practice or supervised study time divided by 50 minutes. The resulting credit hours will be rounded down to the nearest whole number. No fractional credit hours will be granted. For example, a program that lasts from 8:00 a.m. until 12:00 noon with two 15 to 20 minute breaks would qualify for four CPE credits;

(i) Accredited University or College Credits.

(A) Each semester hour credit shall equal 15 hours toward the requirement. A quarter hour shall equal ten hours;

(B) Non-credit short courses or other individual study programs which require registration and provide evidence of satisfactory completion will qualify;

(ii) Self Study or Correspondence Courses. Formal correspondence or other individual study programs which require registration, provide evidence of satisfactory completion including test results, and are susceptible to verification of satisfaction of the Standards for Programs Which Qualify noted above will qualify. The CPA Board or CPE committee or the Approved CPE Registry will determine if number of credit hours recommended is equivalent to the hours as determined under Subsection (1)(l).

(l) Instructor CPE Credit. Instructors of programs meeting the standards under this section will be granted two hours of CPE credit for each hour of instruction time for the first class taught on a particular topic which meets the criteria of this rule, not to exceed 24 hours for any one topic. No credit is given for class subjects which have been previously taught by the instructor. The maximum credit for teaching and preparation cannot exceed 50% (or 40 hours) of the CPE requirement;

(m) Authors of published books and articles may apply to have CPE credit granted in an amount to be determined by the board upon review of the book or article. The maximum credit for books or articles cannot exceed 25% of the CPE requirement; and

(n) Programs or Activities Which Do Not Qualify. The following activities do not satisfy the standards for programs of this section and are not eligible for satisfaction of CPE requirements:

(i) personal study: personal study includes reading professional journals and publications, studying and researching matters such as tax code revisions, practicing software programs on a computer and watching video movies of a conference; and

(ii) committee meetings, dinner and luncheon meetings, firm meetings or other activities that do not meet the standards outlined in this section.

(2) Reporting Requirements. Each licensee applying for license renewal shall report, by January 31 of each even numbered year, qualified continuing professional education hours completed for the preceding two calendar years. Each person applying for license reinstatement shall file a report at the time of application.

(a) Such report shall be by means of one of the following:

(i) certification from an approved continuing professional education registry of the hours of qualified continuing education completed; or

(ii) a report to the Division for review and approval of continuing professional education.

(b) It is the responsibility of the applicant or licensee to demonstrate to the Division that the applicant or licensee successfully completed all CPE reported and meets the requirements of Subsection (1) or that the CPE has been approved by an approved continuing professional education registry and that reported courses maintained or increased the professional competence of the applicant or licensee.

(3) Continuing Professional Education Registry. To obtain approval as a continuing professional education registry, an organization shall:

(a) be a professional association primarily consisting of individuals licensed as certified public accountants;

(b) be organized and in good standing according to the laws of the state;

(c) enter into a written agreement with the Division under which the organization agrees to:

(i) review and approve only those programs which meet the standards set forth under Subsection (1);

(ii) publish and disseminate to their members or other CPAs on request, listings of continuing professional education programs which meet the standards and are approved for qualified continuing professional education credit;

(iii) maintain accurate records of qualified continuing professional education completed by each of its registrants and provide each of its registrants with a certificate on a timely basis to permit the registrant to file that certificate with the registrant's application to the division for renewal or reinstatement of his license as a certified public accountant. The certificate shall contain the name of the instructor, the date of the program, location of the program, title of the program, the name of the sponsor, the name of the CPE registry issuing approval, and the approval number assigned to that program by the Registry, and the number of CPE hours granted; and

(iv) make records of approved of qualified continuing professional education programs and records of qualified continuing professional education completed by registrants available for audit by representatives of the division, the board or peer advisory committees of the board.

(4) Fees. A registry may charge a reasonable fee to registrants for services provided for approval of courses. Sponsors of approved courses may charge a lower fee to members of the sponsoring association for participation as a registrant than it charges to non-members of the association.

(5) Other CPE requirements and failure to complete CPE requirements.

(a) Interim Licensure CPE requirements. Those individuals who become licensed or certified between renewal periods shall be required to complete CPE based upon ten hours per calendar quarter for the remaining quarters of the reporting period.

(b) Carry Forward Provision. A licensee who completes more than 80 hours of CPE during the two year reporting period may carry forward up to 40 hours to the next succeeding reporting period. Carry forward credits may not be used to satisfy the 20 hour minimum annual CPE requirement.

(c) Failure to comply with CPE requirements.

(i) Failure to meet the 80 hour requirement. An individual holding a current Utah license who fails to complete the required 80 hours of CPE by the reporting deadline will not be allowed to renew their license unless they complete and report to the division at least

30 days prior to their expiration date two times the number of CPE hours the license holder was short for the reporting period (penalty hours). The penalty hours shall not be considered to satisfy in whole or part any of the CPE hours required for subsequent renewal of the license.

(ii) Failure to meet the 20 hour minimum per year requirement. An individual who fails to complete the 20 hour minimum per calendar year requirement will not be allowed to renew their license unless they complete and report to the division at least 30 days prior to their expiration date, the AICPA Ethics Self-Study Examination and the Utah Law and Rules Examination with passing scores required for initial licensure. CPE credit will not be given for completion of this requirement.

(iii) Non-Qualifying or Disqualified CPE hours. An individual who reports nonqualifying hours or who has hours disqualified by the Utah Board of Accountancy shall not be allowed to renew their license unless they complete and report to the division, within 60 days of receiving notification by the division of their shortage, the relevant requirement under R156-26-303b(6)(c)(i) or (ii).

(iv) Waiver for Medical Reasons. A licensee may request the board to waive the requirements or grant an extension for continuing professional education on the basis that the licensee was not able to complete the continuing professional education due to medical or related conditions confirmed by a qualified health care provider. Such medical confirmation shall include the beginning and ending dates during which the medical condition would have prevented the licensee from completing the continuing professional education, the extent of the medical condition and the effect that the medical condition had upon the ability of the licensee to continue to engage in the practice of accountancy. The board in determining whether the waiver is appropriate shall consider whether or not the licensee continued to be engaged in the practice of accountancy practice on a full or part time basis during the period specified by the medical confirmation.

R156-26a-303c. Renewal Cycle.

In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 26a is established by rule in Section R156-1-308.

R156-26a-303d. Renewal Procedures.

Renewal procedures shall be in accordance with Section R156-1-308.

R156-26a-305. Use of Certified Public Accountant (CPA) Title.

An individual who has a current CPA license issued by any other state may use the title or designation "Certified Public Accountant" but may only practice public accountancy in the state of Utah if currently licensed in the state of Utah or if performing public accountancy which is incidental to regular practice in another state as defined in Subsection ~~[58-26-2(12)]~~58-26a-305(1) and as further clarified in R156-26a-102(4).

R156-26a-307. Reinstatement of Licenses.

(1) An individual having held a Utah license which has expired for failure to renew for nonpayment of fees, or an individual applying for reinstatement from emeritus status, may be relicensed upon satisfactory completion of:

(a) ~~[the requirements of Section 58-26-8;~~
~~(b)]~~ submission of an application on forms supplied by the division which shall contain information as to why the person allowed their license to lapse;

(e) 80 hours of acceptable CPE, completed within the 12 months preceding the submission of an application for reinstatement, which shall include a minimum of 16 hours in accounting or auditing or both and shall include successful completion of the AICPA Ethics Self-Study Examination and the Utah Law and Rules Examination with a minimum score of at least the minimum score required for initial licensure. Successful completion of the two examinations will count as eight hours of CPE towards the 80 hour requirement.

(i) This 80 hour requirement is waived if the reinstatement applicant has not been practicing within the state of Utah since the expiration of the license being reinstated, the reinstatement applicant has continuously since the expiration been licensed and practicing in another state and the reinstatement applicant demonstrates that the applicant has met all the CPE requirements that would have been applicable in the state of Utah during the time the license was expired in the state of Utah.

(ii) This 80 hours requirement is waived, if the applicant failed to renew because of inadvertent failure to pay the renewal fees and the application for reinstatement is filed with the Division within six months after expiration date of the license and at time of application for reinstatement the applicant demonstrates by proof of attendance at acceptable CPE courses that at all times the applicant was in full compliance with the CPE requirements.

(2) A licensee who reinstates their license must obtain ten hours of CPE per full calendar quarter remaining in the current CPE reporting period after reinstatement is granted.

(3) The number of hours required to reinstate the license shall not be considered to satisfy in whole or part any of the 80 hours of CPE required for subsequent renewal of the license. [

~~(4) No certificates will be issued, renewed or reinstated after July 1, 1994.]~~

R156-26a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) a licensee willfully failing to comply with continuing professional education or fraudulently reporting continuing professional education; or

(2) commission of an act or omission that fails to conform to the accepted and recognized standards and ethics of the profession including those stated in the "Code of Professional Conduct" of the American Institute of Certified Public Accountants (AICPA) as adopted January 12, 1998, as amended, January 14, 1992 and October 28, 1997, which is hereby incorporated by reference. ~~[A copy of this document can be obtained at the Division of Occupational and Professional Licensing.]~~

KEY: accountants, licensing, [quality]peer review*

~~[August 24, 1999]~~2000 **58-26a-101**
 Notice of Continuation May 12, 1997 **58-1-106(1)**
58-1-202(1)



Commerce, Occupational and
Professional Licensing
R156-55d
Utah Construction Trades Licensing
Act Burglar Alarm Licensing Rules

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22878

FILED: 05/18/2000, 09:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2000 legislative session, S.B. 196 deleted Title 58, Chapter 65, which regulated alarm companies and alarm company agents. The regulation of alarm companies and alarm company agents was moved to Title 58, Chapter 55, the Utah Construction Trades Licensing Act. Therefore, a new rule is being proposed as Rule R156-55d. It should be noted that the Rule R156-65 will be deleted in its entirety in another rule filing.

(DAR Note: S.B. 196 is found at 2000 Utah Laws 317, and was effective May 1, 2000. The proposed repeal to R156-65 is found under DAR No. 22888 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: The new rule provides for the following: title, definitions, application requirements, experience requirements, examination requirements, insurance requirements, renewal cycle and procedure, renewal requirement to demonstrate a clear criminal history, change of qualifying agent, unprofessional conduct defined, display of license, operating standards for alarm equipment, alarm installer, and alarm system user training.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-55-101 and 58-55-308; and Subsections 58-1-106(1), 58-1-202(1), 58-55-302(3)(h), 58-55-302(3)(i), and 58-55-302(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The division will incur only minimal costs to print the proposed rule once it is made effective. Any costs incurred will be absorbed in the division's current budget.

❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments; therefore, no cost or savings.

❖OTHER PERSONS: For alarm system companies who may be using untrained or uncertified individuals as alarm system installers, there will be a cost of approximately \$215 to \$425 per alarm company agent to obtain the National Burglar and Fire Alarm Association level one certification. There may be an indeterminable savings to alarm companies and the general public when the installation of the alarm system is installed correctly and false alarms are thus reduced.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For alarm system companies who may be using untrained or uncertified individuals as alarm system installers, there will be a cost of approximately \$215 to \$425 per alarm company agent to obtain the National Burglar and Fire Alarm Association level one certification. There may be an indeterminable savings to alarm companies and the general public when the installation of the alarm system is installed correctly and false alarms are thus reduced.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The 2000 Legislature moved the licensure of burglar alarm companies and agents under the chapter governing construction trades licensing, so the purpose of this rule filing is to move the burglar alarm licensing act rules under the construction trades licensing rules. This proposed new rule also establishes the type of acceptable alarm system equipment for installation, and addresses the training of alarm personnel and training of ultimate users of the equipment. There should be no fiscal impact upon the state budget from implementation of this proposed new rule. There should be a positive impact upon local governments from a savings generated by a reduction in the number of false alarms responded to, as a result of a higher level of training of both alarm personnel and the ultimate users of the alarm systems. There may be an additional expense to alarm companies not presently providing adequate training for their employees, but such additional cost - even if passed on to the final user - will be more than offset by the savings to the general public through reduction in waste of tax dollars from responding to false alarms--Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/26/2000, 9:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.
R156-55d. Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules.

R156-55d-101. Title.

These rules are known as the "Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules".

R156-55d-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55, or these rules:

(1) "Individual employed" as used in Subsection 58-55-102(2), means an individual who has an agreement with an alarm business or company to perform alarm systems business activities under the direct supervision or control of the alarm business or company and for whose alarm system business activities the alarm company is legally liable and who has or could have access to knowledge of specific applications.

(2) "Knowledge of specific applications" as used in Subsection R156-55d-102(1), means obtaining specific information about any premises which is protected or is to be protected by an alarm system. This knowledge is gained through access to records, on-site visits or otherwise gathered through working for an alarm business or company.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-55-502.

R156-55d-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the Division to administer Title 58, Chapter 55.

R156-55d-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-55d-302a. Qualifications for Licensure - Application Requirements.

(1) An application for licensure as an alarm company shall include:

(a) a record of criminal history or certification of no record of criminal history with respect to the applicant's qualifying agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety;

(b) two fingerprint cards containing:

(i) the fingerprints of the applicant's qualifying agent;

(ii) the fingerprints of each of the applicant's officers, directors, shareholders owning more than 5% of the stock of the company, partners, and proprietors; and

(iii) the fingerprints of each of the applicant's management personnel who will have responsibility for any of the company's operations as an alarm company within the state;

(c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and the Bureau of Criminal Identification, Utah Department of Public Safety, for each individual for whom fingerprints are required under Subsection (1)(b); and

(d) a copy of the driver license or Utah identification card for each individual for whom fingerprints are required under Subsection (1)(b).

(2) An application for license as an alarm company agent shall include:

(a) a record of criminal history or certification of no record of criminal history with respect to the applicant, issued by the Bureau of Criminal Identification, Utah Department of Public Safety;

(b) two fingerprint cards containing the fingerprints of the applicant;

(c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and the Bureau of Criminal Identification, Utah Department of Public Safety, regarding the applicant; and

(d) a copy of the driver license or Utah identification card for the applicant.

R156-55d-302c. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3) the experience requirements for an alarm company applicant's qualifying agent in Subsection 58-55-302(3)(h)(i) are defined, clarified, or established in that an individual to be approved as a qualifying agent of an alarm company shall:

(1) have not less than 6,000 hours of experience in the alarm company business of which not less than 2,000 hours shall have been in a management, supervisory, or administration position; or

(2) have not less than 6,000 hours of experience in the alarm company business combined with not less than 2,000 hours of management, supervisory, or administrative experience in a lawfully and competently operated construction company.

R156-55d-302d. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for an alarm company applicant's qualifying agent in Subsection 58-55-302(3)(h)(i)(C) are defined, clarified, or established in that an individual to be approved as a qualifying agent of an alarm company shall:

(1) pass the Utah Burglar Alarm Law and Rules Examination with a score of not less than 75%; and

(2) pass the Burglar Alarm Qualifier Examination with a score of not less than 75%.

R156-55d-302e. Qualifications for Licensure - Insurance Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the insurance requirements for licensure as an alarm company in Section 58-55-302(3)(h)(ix)(A) are defined, clarified, or established as follows:

(1) an applicant for an alarm company license shall file with the Division a "certificate of insurance" issued by an insurance company or agent licensed in the state demonstrating the applicant is covered by comprehensive public liability coverage in an amount of not less than \$300,000 for each incident, and not less than \$1,000,000 in total;

(2) the terms and conditions of the policy of insurance coverage shall provide that the Division shall be notified if the insurance coverage terminates for any reason; and

(3) all licensed alarm companies shall have available on file and shall present to the Division upon demand, evidence of insurance coverage meeting the requirements of this section for all periods of time in which the alarm company is licensed in this state as an alarm company.

R156-55d-303. Renewal Cycle - Procedure.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55, is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-55d-304. Renewal Requirement - Demonstration of Clear Criminal History.

(1) In accordance with Subsections 58-1-203(7), 58-1-308(3)(b), and 58-55-302(4), there is created as a requirement for renewal or reinstatement of any license of an alarm company or alarm company agent a demonstration of clear criminal history for each alarm company qualifying agent and for each alarm company agent.

(2) Each application for renewal or reinstatement of a license of an alarm company shall be accompanied by a record of criminal history or certification of no record of criminal history with respect to the alarm company's qualifying agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety within 120 days prior to submission of the application for renewal or reinstatement to the Division.

(3) Each application for renewal or reinstatement of a license of an alarm company agent shall be accompanied by a record of criminal history or certification of no record of criminal history with respect to the alarm company agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety within 120 days prior to submission of the application for renewal or reinstatement to the Division.

R156-55d-306. Change of Qualifying Agent.

Within 15 days, or some extended period granted in writing by the Division, after a qualifying agent for an alarm company ceases employment with the alarm company, or for any other reason is not qualified to act as the alarm company qualifier, the alarm company shall file with the Division an application for change of qualifier on forms provided by the Division accompanied by a record of criminal history or certification of no record of criminal history, fee, fingerprint cards, and copy of an identification as required under Subsection R156-55d-302a(1).

R156-55d-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing as an alarm company to notify the Division of the cessation of performance of its qualifying agent or failing to replace its qualifying agent as required under Section R156-55d-306;

(2) failing as an alarm company agent to carry or display a copy of the licensee's license as required under Section R156-55d-601;

(3) failing as an alarm agent to carry or display a copy of his National Burglar and Fire Alarm Association (NBFAA) level one certification or equivalent training as required under Section R156-55d-603;

(4) employing as an alarm company a qualifying agent or alarm company agent knowing that individual has engaged in conduct inconsistent with the duties and responsibilities of an alarm company agent.

(5) failing to comply with operating standards established by rule;

(6) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or a settlement or agreement whereby an individual has entered into participation as a first offender, or an action of deferred adjudication, or other program or arrangement where judgment or conviction is withheld; and

(7) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to the need for an alarm system, the benefits of the alarm system, the installation of the alarm system or the response to the alarm system by law enforcement agencies.

R156-55d-601. Display of License.

An alarm company agent shall carry on his person at all times while acting as an alarm company agent a copy of his license and shall display that license upon the request of any person to whom the agent is representing himself as an alarm company agent, and upon the request of any law enforcement officer or representative of the Division.

R156-55d-602. Operating Standards - Alarm Equipment.

In accordance with Subsection 58-55-308(1), the following standards shall apply with respect to equipment and devices assembled as an alarm system:

(1) An alarm system installed in a business or public building shall utilize equipment equivalent to or exceeding minimum Underwriters Laboratories, or the National Electrical Code standards for alarm system equipment.

(2) An alarm system installed in a residence shall utilize equipment equivalent to or exceeding minimum Underwriters Laboratories, or the National Electrical Code standards for residence alarm systems.

R156-55d-603. Operating Standards - Alarm Installer.

In accordance with Subsection 58-55-308(1), the operating standards for the installer of an alarm system include the following:

(1) An alarm agent must be fully trained in the installation of an alarm system in accordance with the National Burglar and Fire Alarm Association (NBFAA) level one certification or equivalent training requirements prior to the alarm agent installing any alarm system in any residence, business, or public building within the state.

(2) An alarm agent shall carry evidence of the NBFAA level one certification or equivalent training with him at all times.

R156-55d-604. Operating Standards - Alarm System User Training.

In accordance with Subsection 58-55-308(1), the operating standards for the installation of an alarm system including the following:

(1) Upon completion of the installation of an alarm system by an alarm business or company, the installing alarm agent shall review with the alarm user, or in the case of a company, its employees, the operation of the alarm system to ensure that the user understands the function of the alarm system.

(2) The alarm business or company shall maintain training records, including installer and user false alarm prevention checklists, the dates of the training and the location of the training on each alarm system installed. These records shall be maintained in the files of the alarm business or company for at least three years from the date of the training.

**KEY: licensing, alarm company*, burglar alarms*
2000**

58-55-101
58-1-106(1)
58-1-202(1)
58-55-302(3)(h)
58-55-302(3)(i)
58-55-302(4)
58-55-308



Commerce, Occupational and Professional Licensing
R156-65
Burglar Alarm Security and Licensing Act Rules

NOTICE OF PROPOSED RULE
(Repeal)
DAR File No.: 22888
FILED: 05/25/2000, 09:33
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2000 legislative session, S.B. 196 deleted Title 58, Chapter 65, which regulated alarm companies and alarm company agents. The regulation of alarm companies and alarm company agents was moved to Title 58, Chapter 55, the Utah Construction Trades Licensing Act. A new rule is being proposed at Rule R156-55d. As a result of the legislative changes, this rule will be repealed in its entirety. (DAR Note: S.B. 196 is found at 2000 Utah Laws 317, and was effective May 1, 2000. The proposed new rule for R156-55d is found under DAR No. 22878 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-65-101, and Subsections 58-1-106(1), 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no impact on the state budget since the rule is being repealed in its entirety as it no longer has statutory authority.

❖LOCAL GOVERNMENTS: The proposed repeal of this rule does not apply to local governments; therefore, no cost or savings.

❖OTHER PERSONS: There is no impact on the regulated profession or the general public since the rule is being repealed in its entirety as it no longer has statutory authority and a new rule is being proposed at the same time to govern the alarm companies and alarm agents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost or savings impact on the regulated profession or the general public since the rule is being repealed in its entirety as it no longer has statutory authority and a new rule is being proposed at the same time to govern the alarm companies and alarm agents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this filing is to repeal a rule enacted under a statute which has also been repealed by the Legislature and reenacted as a part of the Construction Trades Licensing Act. Repeal of this rule will have no fiscal impact upon the state budget, local governments, the regulated profession, or the general public since there is only a transfer from one area of the code to another--Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/26/2000, 9:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.
~~**[R156-65. Burglar Alarm Security and Licensing Act Rules.**~~
~~**R156-65-101. Title.**~~

— These rules are known as the "Burglar Alarm Security and Licensing Act Rules".

~~**R156-65-102. Definitions.**~~

— In addition to the definitions in Title 58, Chapters 1 and 65, as used in Title 58, Chapters 1 and 65, or these rules:

— (1) "Individual employed" means an individual who has an agreement with an alarm business or company to perform alarm systems business activities under the direct supervision or control of the alarm business or company and for whose alarm system business activities the alarm company is legally liable and who has or could have access to knowledge of specific applications.

— (2) "Knowledge of specific applications" means obtaining specific information about any premises which is protected or is to be protected by an alarm system. This knowledge is gained through access to records, on-site visits or otherwise gathered through working for an alarm business or company.

— (3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 65, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-65-502:

~~**R156-65-103. Authority - Purpose.**~~

— These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 65.

~~**R156-65-104. Organization - Relationship to Rule R156-1.**~~

— The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

~~**R156-65-302a. Qualifications for Licensure - Application Requirements.**~~

— (1) An application for licensure as an alarm company shall include:

— (a) a record of criminal history or certification of no record of criminal history with respect to the applicant's qualifying agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety;

— (b) two fingerprint cards containing:

— (i) the fingerprints of the applicant's qualifying agent;

— (ii) the fingerprints of each of the applicant's officers, directors, shareholders owning more than 5% of the stock of the company, partners, and proprietors; and

— (iii) the fingerprints of each of the applicant's management personnel who will have responsibility for any of the company's operations as an alarm company within the state;

— (c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and the Bureau of Criminal Identification, Utah Department of Public Safety, for each individual for whom fingerprints are required under Subsection (1)(b); and

— (d) a copy of the driver license or Utah Identification card for each individual for whom fingerprints are required under Subsection (1)(b);

— (2) An application for license as an alarm company agent shall include:

— (a) a record of criminal history or certification of no record of criminal history with respect to the applicant, issued by the Bureau of Criminal Identification, Utah Department of Public Safety;

— (b) two fingerprint cards containing the fingerprints of the applicant;

— (c) a fee established in accordance with Section 63-38-3.2 equal to the cost of conducting a check of records of the Federal Bureau of Investigation, and the Bureau of Criminal Identification, Utah Department of Public Safety, regarding the applicant; and

— (d) a copy of the driver license or Utah Identification card for the applicant.

~~**R156-65-302c. Qualifications for Licensure - Experience Requirements.**~~

— In accordance with Subsections 58-1-203(2) and 58-1-301(3), the experience requirements for an alarm company applicant's qualifying agent in Subsection 58-65-302(1)(c)(i), are defined, clarified, or established in that an individual to be approved as a qualifying agent of an alarm company shall:

— (1) have not less than 6,000 hours of experience in the alarm company business of which not less than 2,000 hours shall have been in a management, supervisory, or administrative position; or

— (2) have not less than 6,000 hours of experience in the alarm company business combined with not less than 2,000 hours of management, supervisory, or administrative experience in a lawfully and competently operated construction company.

~~**R156-65-302d. Qualifications for Licensure - Examination Requirements.**~~

— In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for an alarm company applicant's qualifying agent in Subsection 58-65-(1)(c)(ii), are defined, clarified, or established in that an individual to be approved as a qualifying agent of an alarm company shall:

— (1) pass the Utah Burglar Alarm Security Law and Rules Examination with a score of not less than 75%; and

— (2) pass the Burglar Alarm Qualifier Examination with a score of not less than 75%.

~~**R156-65-302e. Qualifications for Licensure - Insurance Requirements.**~~

— In accordance with Subsections 58-1-203(2) and 58-1-301(3), the insurance requirements for licensure as an alarm company in Section 58-65-302(1)(k)(i) are defined, clarified, or established as follows:

— (1) an applicant for an alarm company license shall file with the division a "certificate of insurance" issued by an insurance company or agent licensed in the state demonstrating the applicant is covered by comprehensive public liability coverage in an amount of not less than \$300,000 for each incident, and not less than \$1,000,000 in total;

— (2) the terms and conditions of the policy of insurance coverage shall provide that the division shall be notified if the insurance coverage terminates for any reason; and

— (3) all licensed alarm companies shall have available on file and shall present to the division upon demand, evidence of insurance coverage meeting the requirements of this Section for all periods of time in which the alarm company is licensed in this state as an alarm company.

R156-65-303. Renewal Cycle - Procedure:

— (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 65, is established by rule in Section R156-1-308.
— (2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-65-304. Renewal Requirement - Demonstration of Clear Criminal History:

— (1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created as a requirement for renewal or reinstatement of any license of an alarm company or alarm company agent a demonstration of clear criminal history for each alarm company qualifying agent and for each alarm company agent.
— (2) Each application for renewal or reinstatement of a license of an alarm company shall be accompanied by a record of criminal history or certification of no record of criminal history with respect to the alarm company's qualifying agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety within 120 days prior to submission of the application for renewal or reinstatement to the division.
— (3) Each application for renewal or reinstatement of a license of an alarm company agent shall be accompanied by a record of criminal history or certification of no record of criminal history with respect to the alarm company agent, issued by the Bureau of Criminal Identification, Utah Department of Public Safety within 120 days prior to submission of the application for renewal or reinstatement to the division.

R156-65-306. Change of Qualifying Agent:

— Within 15 days, or some extended period granted in writing by the division, after a qualifying agent for an alarm company ceases employment with the alarm company, or for any other reason is not qualified to act as the alarm company qualifier, the alarm company shall file with the division an application for change of qualifier on forms provided by the division accompanied by a record of criminal history or certification of no record of criminal history, fee, fingerprint cards, and copy of a identification as required under Subsection R156-65-302a(1).

R156-65-502. Unprofessional Conduct:

— "Unprofessional conduct" includes:
— (1) failing as an alarm company to notify the division of the cessation of performance of its qualifying agent or failing to replace its qualifying agent, as required under Section R156-65-306;
— (2) failing as an alarm company agent to carry or display a copy of the licensee's license as required under Section R156-65-601;
— (3) employing as an alarm company a qualifying agent or alarm company agent knowing that individual has engaged in conduct inconsistent with the duties and responsibilities of an alarm company agent;
— (4) failing to comply with operating standards established by rule; and
— (5) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or a settlement

or agreement whereby an individual has entered into participation as a first offender, or an action of deferred adjudication, or other program or arrangement where judgment or conviction is withheld.

R156-65-601. Display of License:

— An alarm company agent shall carry on his person at all times while acting as an alarm company agent a copy of his license and shall display that license upon the request of any person to whom the agent is representing himself as an alarm company agent, and upon the request of any law enforcement officer or representative of the division.

KEY: licensing, alarm company*, burglar alarms*

~~November 17, 1998~~ ~~58-65-101~~
~~58-1-106(1)~~
~~58-1-202(1)~~



Environmental Quality, Drinking Water
R309-200
(Changed to R309-110)
Facility Design and Operation:
Definitions

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 22883
FILED: 05/23/2000, 14:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this rule is to provide a single source for definitions of terms used throughout all rules under R309. This was done in part when Rule R309-200 consolidated definitions for terms found only in those rules that dealt with the design and construction of drinking water facilities. Now we will include definitions found in all rules of R309. In addition, the rule number itself is changed to conform with a renumbering scheme approved by the Drinking Water Board to allow for forthcoming rule changes mandated by the federal Safe Drinking Water Act (SDWA).

SUMMARY OF THE RULE OR CHANGE: Definitions previously scattered throughout all the rules of R309 are brought together in one place. This will prevent the possibility that a definition in one rule will appear worded slightly different than the same definition in another rule. It will also allow the reduction in size and number of pages of the other rules by simply referring to this rule for the definition of terms used therein.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--because this is primarily moving existing definitions found scattered throughout other rules of R309. Therefore, there will be no increased work load to staff nor any change to the state budget as a result of these proposed changes.

❖LOCAL GOVERNMENTS: None--see explanation given under "state budget."

❖OTHER PERSONS: None--see explanation given under "state budget."

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--because this rule deals only with definition of terms used in other rules, any associated cost to affected persons will be addressed within any proposed changes or renumbering of those individual rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed gathering of definitions into one location will not have any fiscal impact on public water systems or affiliated businesses such as engineering firms which provide services to these systems.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Drinking Water
Second Floor
150 North 1950 West
PO Box 144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Michael B. Georgeson / William B. Birkes at the above address, by phone at (801) 536-4197 / (801) 536-4201, by FAX at (801) 536-4211, or by Internet E-mail at mgeorges@deq.state.ut.us / bbirkes@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Kevin W. Brown, Director

R309. Environmental Quality, Drinking Water.**R309-110[200]. Administration[Facility Design and Operation]: Definitions.****R309-110[200]-1. Purpose.**

The purpose of this rule is to define certain terms and expressions that are utilized throughout all rules under R309[=201 through R309-211]. Collectively, those rules govern the administration, monitoring, operation and maintenance of public drinking water systems as well as the design[;] and construction[;] operation and maintenance of [public drinking water system] facilities within said systems.

R309-110[200]-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104[(1)(a)(ii)] of the Utah Code[~~-Annotated~~] and in accordance with 63-46a of the same, known as the Administrative Rulemaking Act.

R309-110[200]-3. Definitions.

["Drinking Water Glossary: A Dictionary of Technical and Legal Terms Related to Drinking Water," USEPA publication number 810-B-94-006 is hereby incorporated by reference. Copies are available from the Office of Water, United States, Environmental Protection Agency, (4601), Washington, DC 20460 or from the Division:]

As used in R309[=201 through R309-211]:

"Action Level" means the concentration of lead or copper in drinking water tap samples (0.015 mg/l for lead and 1.3 mg/l for copper) which determines, in some cases, the corrosion treatment, public education and lead line replacement requirements that a water system is required to complete.

[(1)-]"AF" means acre foot and is the volume of water required to cover an acre to a depth of one foot (one AF is equivalent to 325,851 gallons).

"Air gap" The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, catch basin, plumbing fixture or other device and the flood level rim of the receptacle. This distance shall be two times the diameter of the effective opening for openings greater than one inch in diameter where walls or obstructions are spaced from the nearest inside edge of the pipe opening a distance greater than three times the diameter of the effective openings for a single wall, or a distance greater than four times the diameter of the effective opening for two intersecting walls. This distance shall be three times the diameter of the effective opening where walls or obstructions are closer than the distances indicated above.

[(2)-]"ANSI/NSF" refers to the American National Standards Institute and NSF International. NSF International has prepared at least two health effect standards dealing with treatment chemicals added to drinking water and system components that will come into contact with drinking water, these being Standard 60 and Standard 61. The American National Standards Institute acts as a certifying agency, and determines which laboratories may certify to these standards.

"Approval" unless indicated otherwise, shall be taken to mean a written statement of acceptance from the Executive Secretary.

"Approved" refers to a rating placed on a system by the Division and means that the public water system is operating in substantial compliance with all the Rules of R309.

[(3)-]"Average Yearly Demand" means the amount of water delivered to consumers by a public water system during a typical year, generally expressed in MG or AF.

[(4)-]"AWWA" refers to the American Water Works Association located at 6666 West Quincy Avenue, Denver, Colorado 80235. Reference within these rules is generally to a particular Standard prepared by AWWA and which has completed the ANSI approval process such as ANSI/AWWA Standard C651-92 (AWWA Standard for Disinfecting Water Mains).

"Backflow" means a reverse flow condition, created by a difference in water pressures, which causes water to flow back into the distribution pipes of a potable water supply from any source or sources other than an intended source. Also see backsiphonage and cross-connection.

"Backsiphonage" means a form of backflow caused by a negative or below atmospheric pressure within a water system. Also see backflow and cross-connection.

"Best Available Technology" (BAT) means the best technology, treatment techniques, or other means which the Executive Secretary finds, after examination under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon for all these chemicals except vinyl chloride. Central treatment using packed tower aeration is also identified as BAT for synthetic organic chemicals.

~~[(5)]~~"Board" means the Drinking Water Board.

"Breakpoint Chlorination" means addition of chlorine to water until the chlorine demand has been satisfied. At this point, further addition of chlorine will result in a free residual chlorine that is directly proportional to the amount of chlorine added beyond the breakpoint.

~~[(6)]~~"C" is short for "Residual Disinfectant Concentration."

"Capacity Development" means technical, managerial, and financial capabilities of the water system to plan for, achieve, and maintain compliance with applicable drinking water standards.

~~[(7)]~~"cfs" means cubic feet per second and is one way of expressing flowrate (one cfs is equivalent to 448.8 gpm).

"Class" means the level of certification of Backflow Prevention Technician (Class I, II or III).

~~[(8)]~~"Coagulation" is the process of destabilization of the charge (predominantly negative) on particulates and colloids suspended in water. Destabilization lessens the repelling character of particulates and colloids and allows them to become attached to other particles so that they may be removed in subsequent processes. The particulates in raw waters (which contribute to color and turbidity) are mainly clays, silt, viruses, bacteria, fulvic and humic acids, minerals (including asbestos, silicates, silica, and radioactive particles), and organic particulate.

"Collection area" means the area surrounding a ground-water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground-water collection devices.

"Commission" means the Operator Certification Commission.

~~[(9)]~~"Community Water System" (CWS) means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle began January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011 and ends December 31, 2019.

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period ran from January 1, 1993 to December 31, 1995;

the second from January 1, 1996 to December 31, 1998; and the third is from January 1, 1999 to December 31, 2001.

"Comprehensive Performance Evaluation" (CPE) is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with these rules, the comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Confirmed SOC contamination area" means an area surrounding and including a plume of SOC contamination of the soil or water which previous monitoring results have confirmed. The area boundaries may be determined by measuring 3,000 feet horizontally from the outermost edges of the confirmed plume. The area includes deeper aquifers even though only the shallow aquifer is the one contaminated.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion of the filtration area in which discrete bacterial colonies can not be distinguished.

"Contaminant" means any physical, chemical biological, or radiological substance or matter in water.

"Continuing Education Unit" (CEU) means ten contact hours of participation in, and successful completion of, an organized and approved continuing education experience under responsible sponsorship, capable direction, and qualified instruction. College credit in approved courses may be substituted for CEUs on an equivalency basis.

~~[(10)]~~"Conventional Surface Water Treatment" means a series of processes including coagulation, flocculation, sedimentation, filtration and disinfection resulting in substantial particulate removal and inactivation of pathogens.

"Controls" means any codes, ordinances, rules, and regulations that a public water system can cite as currently in effect to regulate potential contamination sources; any physical conditions which may prevent contaminants from migrating off of a site and into surface or ground water; and any site with negligible quantities of contaminants.

"Corrective Action" refers to a rating placed on a system by the Division and means a provisional rating for a public water system not in compliance with the Rules of R309, but making all the necessary changes outlined by the Executive Secretary to bring them into compliance.

"Corrosion inhibitor" means a substance capable of reducing the corrosiveness of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Credit Enhancement Agreement" means any agreement entered into between the Board, on behalf of the State, and an eligible water system for the purpose of providing methods and assistance to eligible water systems to improve the security for and marketability of drinking water project obligations.

"Criteria" means the conceptual standards that form the basis for DWSP area delineation to include distance, ground-water time of travel, aquifer boundaries, and ground-water divides.

"Criteria threshold" means a value or set of values selected to represent the limits above or below which a given criterion will cease to provide the desired degree of protection.

"Cross-Connection" means any actual or potential connection between a drinking (potable) water system and an unapproved water supply or other source of contamination. For example, if you have a pump moving non-potable water and hook into the drinking water system to supply water for the pump seal, a cross-connection or mixing may lead to contamination of the drinking water. Also see backsiphonage and backflow.

"Cross Connection Control Program" means the program administered by the public water system in which cross connections are either eliminated or controlled.

"Cross Connection Control Subcommittee" means the duly constituted advisory subcommittee appointed by the Board to advise the Board on Backflow Technician Certification and the Cross Connection Control Program of Utah. The Subcommittee will review the qualifications of applicants and make recommendations to the Board for certification of those individuals.

~~[(11)]~~ "CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (C) in mg/l determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes, i.e., "C" x "T." If a public water system applies disinfectant at more than one point prior to the first customer, the summation of each CT value for each disinfectant sequence before or at the first customer determines the total percent inactivation or "Total Inactivation Ratio." In determining the Total Inactivation Ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s).

~~[(12)]~~ "CT_{req'd}" is the CT value required when the log reduction credit given the filter is subtracted from the (3-log) inactivation requirement for Giardia lamblia or the (4-log) inactivation requirement for viruses [~~(see R309-104-4.7.6 for the nominal credit given to certain filtration processes)~~].

~~[(13)]~~ "CT_{99.9}" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT_{99.9} for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1, and 3.1 of Section 141.74(b)(3) in the code of Federal Regulations (also available from the Division).

"Designated person" means the person appointed by a public water system to ensure that the requirements of their Drinking Water Source Protection Plan(s) for ground water sources and/or surface water sources are met.

~~[(14)]~~ "Desired Design Discharge Rate" means the flowrate which the design engineer wishes to have the Division consider as the firm yield available from a drinking water well source. As described in section R309-204-6(10)(b)(iii) the constant-rate yield and drawdown test is conducted at 1.5 times this desired flowrate. This means the "desired design discharge rate" is 67% of the constant-rate used to test the well. Common usage of terms such as "firm yield" or "yield" are synonymous with desired design discharge rate.]

"Direct Employment" means that the operator is directly compensated by the drinking water system to operate that drinking water system.

~~[(15)]~~ "Direct Filtration" means a series of processes including coagulation and filtration, but excluding sedimentation, resulting in substantial particulate removal.

"Direct Responsible Charge" means active on-site control and management of routine maintenance and operation duties. A person in direct responsible charge is generally an operator of a water treatment plant or distribution system who independently makes decisions during normal operation which can affect the sanitary quality, safety, and adequacy of water delivered to customers. In cases where only one operator is employed by the system, this operator shall be considered to be in direct responsible charge.

"Disadvantaged Communities" are defined as those communities located in an area which has a median adjusted gross income which is less than or equal to 80% of the State's median adjusted gross income, as determined by the Utah State Tax commission from federal individual income tax returns excluding zero exemptions returns.

"Discipline" means type of certification (Distribution or Treatment).

~~[(16)]~~ "Disinfectant Contact Time" ("T" in CT calculations) means the time in minutes that it takes water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration ("C") is measured. Where only one "C" is measured, "T" is the time in minutes that it takes water to move from the point of disinfectant application to a point before or at where residual disinfectant concentration ("C") is measured. Where more than one "C" is measured, "T" is (a) for the first measurement of "C," the time in minutes that it takes water to move from the first or only point of disinfectant application to a point before or at the point where the first "C" is measured and (b) for subsequent measurements of "C," the time in minutes that it takes for water to move from the previous "C" measurement point to the "C" measurement point for which the particular "T" is being calculated. Disinfectant contact time in pipelines must be calculated [~~based on "plug flow"~~] by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

~~[(17)]~~ "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents (see also Primary Disinfection and Secondary Disinfection).

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant.

"Distribution System" means the use of any spring or well source, distribution pipelines, appurtenances, and facilities which carry water for potable use to consumers through a public water supply. Systems which chlorinate groundwater are in this discipline.

"Distribution System Manager" means the individual responsible for all operations of a distribution system.

~~[(18)]~~ "Division" means the Utah Division of Drinking Water, who acts as staff to the Board and is also part of the Utah Department of Environmental Quality.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).

~~[(19)]~~ "Drinking Water" means water that is fit for human consumption and meets the quality standards of R309-200[103]. Common usage of terms such as culinary water, potable water or finished water are synonymous with drinking water.

"Drinking Water Project" means any work or facility necessary or desirable to provide water for human consumption and other domestic uses which has at least fifteen service connections or serves an average of twenty-five individuals daily for at least sixty days of the year and includes collection, treatment, storage, and distribution facilities under the control of the operator and used primarily with the system and collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

"Drinking Water Project Obligation" means any bond, note or other obligation issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a drinking water project.

"Drinking Water Regional Planning" means a county wide water plan, administered locally by a coordinator, who facilitates the input of representatives of each public water system in the county with a selected consultant, to determine how each public water system will either collectively or individually comply with source protection, operator certification, monitoring (including consumer confidence reports), capacity development (including technical, financial and managerial aspects), environmental issues, available funding and related studies.

"DWSP Program" means the program to protect drinking water source protection zones and management areas from contaminants that may have an adverse effect on the health of persons.

"DWSP Zone" means the surface and subsurface area surrounding a ground-water or surface water source of drinking water supplying a PWS, over which or through which contaminants are reasonably likely to move toward and reach such water source.

~~[(20)]~~ "Emergency Storage" means that storage tank volume which provides water during emergency situations, such as pipeline failures, major trunk main failures, equipment failures, electrical power outages, water treatment facility failures, source water supply contamination, or natural disasters.

~~[(21)]~~ "Engineer" means a person licensed under the Professional Engineers and Land Surveyors Licensing Act, 58-22 of the Utah Code[Annotated], as a "professional engineer" as defined therein.

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

~~[(22)]~~ "Equalization Storage" means that storage tank volume which stores water during periods of low demand and releases the water under periods of high demand. Equalization storage provides a buffer between the sources and distribution for the varying daily water demands. Typically, water demands are high in the early morning or evening and relatively low in the middle of the night.

A rule-of-thumb for equalization storage volume is that it should be equal to one average day's use.

~~[(23)]~~ "Equivalent Residential Connection" (ERC) is a term used to evaluate service connections to consumers other than the typical residential domicile. Public water system management is expected to review annual metered drinking water volumes delivered to non-residential connections and estimate the equivalent number of residential connections that these represent based upon the average of annual metered drinking water volumes delivered to true single family residential connections. This information is utilized in evaluation of the system's source and storage capacities (refer to R309-510[203]).

~~[(24)]~~ "Executive Secretary" means the Executive Secretary of the Board as appointed and with authority outlined in 19-4-106 of the Utah Code[Annotated].

"Existing ground-water source of drinking water" means a public supply ground-water source for which plans and specifications were submitted to the Division on or before July 26, 1993.

"Existing surface water source of drinking water" means a public supply surface water source for which plans and specifications were submitted to the Division on or before June 12, 2000.

~~[(25)]~~ "Filtration" means a process for removing particulate matter from water by passage through porous media.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Financial Assistance" means a drinking water project loan, credit enhancement agreement, interest buy-down agreement or hardship grant.

~~[(26)]~~ "Fire Suppression Storage" means that storage tank volume allocated to fire suppression activities. It is generally determined by the requirements of the local fire marshal, expressed in gallons, and determined by the product of a minimum flowrate in gpm and required time expressed in minutes.

"First draw sample" means a one-liter sample of tap water, collected in accordance with an approved lead and copper sampling site plan, that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

~~[(27)]~~ "Flash Mix" is the physical process of blending or dispersing a chemical additive into an unblended stream. Flash Mixing is used where an additive needs to be dispersed rapidly (within a period of one to ten seconds). Common usage of terms such as "rapid mix" or "initial mix" are synonymous with flash mix.

~~[(28)]~~ "Floc" means flocculated particles or agglomerated particles formed during the flocculation process. Flocculation enhances the agglomeration of destabilized particles and colloids toward settleable (or filterable) particles (flocs). Flocculated particles may be small (less than 0.1 mm diameter) micro flocs or large, visible flocs (0.1 to 3.0 mm diameter).

~~[(29)]~~ "Flocculation" means a process to enhance agglomeration of destabilized particles and colloids toward settleable (or filterable) particles (flocs). Flocculation begins immediately after destabilization in the zone of decaying mixing energy (downstream from the mixer) or as a result of the turbulence

of transporting flow. Such incidental flocculation may be an adequate flocculation process in some instances. Normally flocculation involves an intentional and defined process of gentle stirring to enhance contact of destabilized particles and to build floc particles of optimum size, density, and strength to be subsequently removed by settling or filtration.

~~[(30)]~~ "fps" means feet per second and is one way of expressing the velocity of water.

~~[(31)]~~ "G" is used to express the energy required for mixing and for flocculation. It is a term which is used to compare velocity gradients or the relative number of contacts per unit volume per second made by suspended particles during the flocculation process. Velocity gradients G may be calculated from the following equation: $G = \text{square root of the value}(550 \text{ times } P \text{ divided by } u \text{ times } V)$. Where: P = applied horsepower, u = viscosity, and V = effective volume.

"GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

~~[(32)]~~ "gpd" means gallons per day and is one way of expressing average daily water demands experienced by public water systems.

~~[(33)]~~ "gpm" means gallons per minute and is one way of expressing flowrate.

~~[(34)]~~ "gpm/sf" means gallons per minute per square foot and is one way of expressing flowrate through a surface area.

"Grade" means any one of four possible steps within a certification discipline of either water distribution or water treatment. Grade I indicates knowledge and experience requirements for the smallest type of public water supply. Grade IV indicates knowledge and experience levels appropriate for the largest, most complex type of public water supply.

"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

~~[(35)]~~ "ground water of high quality" means a well or spring producing water deemed by the Executive Secretary to be of sufficiently high quality that no treatment is required. Such sources shall have been designed and constructed in conformance with these rules, have been tested to establish that all applicable drinking water quality standards (as given in rule R309-200~~[(103)]~~) are reliably and consistently met, have been deemed not vulnerable to natural or man-caused contamination, and the public water system management have established adequate protection zones and management policies in accordance with rule R309-600~~[(113)]~~.

~~[(36)]~~ "ground water of low quality" means a well or spring which, as determined by the Executive Secretary, cannot reliably and consistently meet the drinking water quality standards described in R309-200~~[(103)]~~. Such sources shall be deemed to be a low quality ground water source if any of the conditions outlined in subsection R309-505-8(1)~~[(202-7(1))]~~ exist. Ground water that is classified "UDI" is a subset of this definition and requires "conventional surface water treatment" or an acceptable alternative.

"Ground Water Source" means any well, spring, tunnel, adit, or other underground opening from or through which ground water flows or is pumped from subsurface water-bearing formations.

~~[(37)]~~ "Ground Water Under the Direct Influence of Surface Water" or "UDI" means any water beneath the surface of the ground with ~~[(11)]~~ significant occurrence of insects or other macro organisms, algae, or large-diameter pathogens such as Giardia lamblia, or (for surface water treatment systems serving at least 10,000 people only) Cryptosporidium, or ~~[(2)]~~ any significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence will be determined for individual sources in accordance with criteria established by the Executive Secretary. The determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well or spring construction and geology with field evaluation.

"Haloacetic acids"(five) (HAA5) mean the sum of the concentrations in mg/l of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Hardship Grant" means a grant of monies to a political subdivision that meets the drinking water project loan considerations whose project is determined by the Board to not be economically feasible unless grant assistance is provided. A hardship grant may be authorized in the following forms:

(1) a Planning Advance which will be required to be repaid at a later date, to help meet project costs incident to planning to determine the economic, engineering and financial feasibility of a proposed project;

(2) a Design Advance which will be required to be repaid at a later date, to help meet project costs incident to design including, but not limited to, surveys, preparation of plans, working drawings, specifications, investigations and studies; or

(3) a Project Grant which will not be required to be repaid.

"Hardship Grant Assessment" means an assessment applied to loan recipients. The assessment shall be calculated as a percentage of principal. Hardship grant assessment funds shall be subject to the requirements of UAC R309-700 for hardship grants.

~~[(38)]~~ "Hotel, Motel or Resort" shall include tourist courts, motor hotels, resort camps, hostels, lodges, dormitories and similar facilities, and shall mean every building, or structure with all buildings and facilities in connection, kept, used, maintained as, advertised as, or held out to the public to be, a place where living accommodations are furnished to transient guests or to groups normally occupying such facilities on a seasonal or short term basis.

"Hydrogeologic methods" means the techniques used to translate selected criteria and criteria thresholds into mappable delineation boundaries. These methods include, but are not limited to, arbitrary fixed radii, analytical calculations and models, hydrogeologic mapping, and numerical flow models.

"Initial compliance period" means the first full three-year compliance period which begins at least 18 months after promulgation, except for contaminants listed in R309-103-2.3.a(19) to (33), R309-103-2.3.b(19) to (21), and R309-103-2.1.c(1), (5), (8), (11), and (18), initial compliance period means the first full three-year compliance after promulgation for systems with 150 or more service connections (January 1993-December 1995), and first full three-year compliance period after the effective date of the regulation (January 1996-December 1998) for systems having fewer than 150 service connections.

"Intake", for the purposes of surface water drinking water source protection, means the device used to divert surface water and also the conveyance to the point immediately preceding treatment, or, if no treatment is provided, at the entry point to the distribution system.

"Interest Buy-Down Agreement" means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of reducing the cost of financing incurred by a political subdivision on bonds issued by the subdivision for drinking water project costs.

~~[(39)]~~ "Labor Camp" shall mean one or more buildings, structures, or grounds set aside for use as living quarters for groups of migrant laborers or temporary housing facilities intended to accommodate construction, industrial, mining or demolition workers.

"Land management strategies" means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

"Land use agreement" means a written agreement, memoranda or contract wherein the owner(s) agrees not to locate or allow the location of uncontrolled potential contamination sources or pollution sources within zone one of new wells in protected aquifers or zone one of surface water sources. The owner(s) must also agree not to locate or allow the location of pollution sources within zone two of new wells in unprotected aquifers and new springs unless the pollution source agrees to install design standards which prevent contaminated discharges to ground water. This restriction must be binding on all heirs, successors, and assigns. Land use agreements must be recorded with the property description in the local county recorder's office. Refer to R309-113-13(2)(d).

Land use agreements for protection areas on publicly owned lands need not be recorded in the local county recorder office. However, a letter must be obtained from the Administrator of the land in question and meet the requirements described above.

"Large water system" for the purposes of R309-104-4.2 only, means a water system that serves more than 50,000 persons.

"Lead service line" means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

~~[(40)]~~ "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

"Major Bacteriological Routine Monitoring Violation" means that no routine bacteriological sample was taken as required by R309-104-4.6.1.

"Major Bacteriological Repeat Monitoring Violation" - means that no repeat bacteriological sample was taken as required by R309-104-4.6.2.

"Major Chemical Monitoring Violation" - means that no initial background chemical sample was taken as required in R309-106-3(1)(b).

"Management area" means the area outside of zone one and within a two-mile radius where the Optional Two-mile Radius Delineation Procedure has been used to identify a protection area.

For wells, land may be excluded from the DWSP management area at locations where it is more than 100 feet lower in elevation than the total drilled depth of the well.

For springs and tunnels, the DWSP management area is all land at elevation equal to or higher than, and within a two-mile radius, of the spring or tunnel collection area. The DWSP management area also includes all land lower in elevation than, and within 100 horizontal feet, of the spring or tunnel collection area. The elevation datum to be used is the point of water collection. Land may also be excluded from the DWSP management area at locations where it is separated from the ground water source by a surface drainage which is lower in elevation than the spring or tunnel collection area.

"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, "NBS Handbook 69," except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum Contaminant Level" (MCL) means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

"Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as MCLs. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in rule, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are non-enforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Medium-size water system" for the purposes of R309-104-4.2 only, means a water system that serves greater than 3,300 and less than or equal to 50,000 persons.

"Metropolitan area sources" means all sources within a metropolitan area. A metropolitan area is further defined to contain at least 3,300 year round residents. A small water system which has sources within a metropolitan system's service area, may have those sources classified as a metropolitan area source.

~~[(41)]~~ "MG" means million gallons and is one way of expressing a volume of water.

~~[(42)]~~"MGD" means million gallons per day and is one way of expressing average daily water demands experienced by public water systems or the capacity of a water treatment plant.

~~[(43)]~~"mg/l" means milligrams per liter and is one way of expressing the concentration of a chemical in water. At small concentrations, mg/l is synonymous with "ppm" (parts per million).

"Minor Bacteriological Routine Monitoring Violation" means that not all of the routine bacteriological samples were taken as required by R309-104-4.6.1.

"Minor Bacteriological Repeat Monitoring Violation" means that not all of the repeat bacteriological samples were taken as required by R309-104-4.6.2.

"Minor Chemical Monitoring Violation" means that the required chemical sample(s) was not taken in accordance with R309-104-4.

~~[(44)]~~"Modern Recreation Camp" means a campground accessible by any type of vehicular traffic. The camp is used wholly or in part for recreation, training or instruction, social, religious, or physical education activities or whose primary purpose is to provide an outdoor group living experience. The site is equipped with permanent buildings for the purpose of sleeping, a drinking water supply under pressure, food service facilities, and may be operated on a seasonal or short term basis. These types of camps shall include but are not limited to privately owned campgrounds such as youth camps, church camps, boy or girl scout camps, mixed age groups, family group camps, etc.

"Near the first service connection" means one of the service connections within the first 20 percent of all service connections that are nearest to the treatment facilities.

"Negative Interest" means a loan having loan terms with an interest rate at less than zero percent. The repayment schedule for loans having a negative interest rate will be prepared by the Board.

"New ground water source of drinking water" means a public supply ground water source of drinking water for which plans and specifications are submitted to the Division after July 26, 1993.

"New surface water source of drinking water" means a public supply surface water source of drinking water for which plans and specifications are submitted to the Division after June 12, 2000.

"New Water System" means a system that will become a community water system or non-transient, non-community water system on or after October 1, 1999.

~~[(45)]~~"Non-Community Water System" (NCWS) means a public water system that is not a community water system. There are two types of NCWS's: transient and non-transient.

"Non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which a coliform-positive sample was taken.

"Nonpoint source" means any diffuse source of contaminants or pollutants not otherwise defined as a point source.

~~[(46)]~~"Non-Transient Non-Community Water System" (NTNCWS) means a public water system that regularly serves at least 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those serving the same individuals (industrial workers, school children, church members) by means of a separate system.

"Not Approved" refers to a rating placed on a system by the Division and means the water system does not fully comply with all the Rules of R309 as measured by R309-400.

~~[(47)]~~"NTU" means Nephelometric Turbidity Units and is an acceptable method for measuring the clarity of water utilizing an electronic nephelometer (see "Standard Methods for Examination of Water and Wastewater").

"Operator" means a person who operates, repairs, maintains, and is directly employed by a public drinking water system.

"Operator Certification Commission" means the Commission appointed by the Board as an advisory Commission on public water system operator certification.

~~[(48)]~~"Operating Permit" means written authorization from the Executive Secretary to actually start utilizing a facility constructed as part of a public water system.

"Optimal corrosion control treatment" for the purposes of R309-104-4.2 only, means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

~~[(49)]~~"Package Plants" refers to water treatment plants manufactured and supplied generally by one company which are reportedly complete and ready to hook to a raw water supply line. Caution, some plants do not completely comply with all requirements of these rules and will generally require additional equipment.

"PCBs" means a group of chemicals that contain polychlorinated biphenyl.

~~[(50)]~~"Peak Day Demand" means the amount of water delivered to consumers by a public water system on the day of highest consumption, generally expressed in gpd or MGD. This peak day will likely occur during a particularly hot spell in the summer. In contrast, some systems associated with the skiing industry may experience their "Peak Day Demand" in the winter.

~~[(51)]~~"Peak Instantaneous Demand" means calculated or estimated highest flowrate that can be expected through any water mains of the distribution network of a public water system at any instant in time, generally expressed in gpm or cfs (refer to section R309-510-9~~(203-9)~~).

"Person" means an individual, corporation, company, association, partnership, municipality; or State, Federal, or tribal agency.

"Picocurie" (pCi) means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

~~[(52)]~~"Plan Approval" means written approval, by the Executive Secretary, of contract plans and specifications for any public drinking water project which have been submitted for review prior to the start of construction (see also R309-500-7~~(201-6)~~).

~~[(53)]~~"Plug Flow" is a term to describe when water flowing through a tank, basin or reactors moves as a plug of water without ever dispersing or mixing with the rest of the water flowing through the tank.

~~[(54)]~~"Point of Disinfectant Application" is the point where the disinfectant is applied and water downstream of that point is not subject to re-contamination by surface water runoff.

"Point of Diversion"(POD) is the point at which water from a surface source enters a piped conveyance, storage tank, or is otherwise removed from open exposure prior to treatment.

~~[(55)]~~"Point-of-Entry Treatment Device" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

~~(56)~~ "Point-of-Use Treatment Device" means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

"Point source" means any discernible, confined, and discrete source of pollutants or contaminants, including but not limited to any site, pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation with more than ten animal units, landfill, or vessel or other floating craft, from which pollutants are or may be discharged.

~~(57)~~ "Political Subdivision" means any county, city, town, improvement district, metropolitan water district, water conservancy district, special service district, drainage district, irrigation district, separate legal or administrative entity created under Title 11, Chapter 13, Interlocal Cooperation Act, or any other entity constituting a political subdivision under the laws of Utah.

"Pollution source" means point source discharges of contaminants to ground or surface water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions are part of R309-600 and clarify the meaning of "pollution source:"

(1) "Animal feeding operation" means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(2) "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(3) "Extremely hazardous substances" means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 550-B-96-015). A copy of this document may be obtained from: NCEPI, PO Box 42419, Cincinnati, OH 45202. Online ordering is also available at <http://www.epa.gov/ncepihom/orderpub.html>.

"Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground or surface water. A pollution source is also a potential contamination source.

~~(58)~~ "ppm" means parts per million and is one way of expressing the concentration of a chemical in water. At small

concentrations generally used, ppm is synonymous with "mg/l" (milligrams per liter).

"Practical Quantitation Level" (PQL) means the required analysis standard for laboratory certification to perform lead and copper analyses. The PQL for lead is .005 milligrams per liter and the PQL for copper is 0.050 milligrams per liter.

~~(59)~~ "Primary Disinfection" means the adding of an acceptable primary disinfectant during the treatment process to provide adequate levels of inactivation of bacteria and pathogens. The effectiveness is measured through "CT" values and the "Total Inactivation Ratio." Acceptable primary disinfectants are, chlorine, ozone, and chlorine dioxide (see also "CT" and "CT_{99.9}").

"Principal Forgiveness" means a loan wherein a portion of the loan amount is "forgiven" upon closing the loan. The terms for principal forgiveness will be as directed by R309-705-8, and by the Board.

"Drinking Water Project Costs" include the cost of acquiring and constructing any drinking water project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary property, easement or right of way; engineering or architectural fees, legal fees, fiscal agent's and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the political subdivision, the Board or the Department of Environmental Quality, in connection with the issuance of obligation of the political subdivision to evidence any loan made to it under the law.

"Protected aquifer" means a producing aquifer in which the following conditions are met:

(1) A naturally protective layer of clay, at least 30 feet in thickness, is present above the aquifer;

(2) the PWS provides data to indicate the lateral continuity of the clay layer to the extent of zone two; and

(3) the public supply well is grouted with a grout seal that extends from the ground surface down to at least 100 feet below the surface, and for a thickness of at least 30 feet through the protective clay layer.

~~(60)~~ "Public Drinking Water Project" means construction, addition to, or modification of any facility of a public water system which may affect the quality or quantity of the drinking water (see also section R309-500-6~~(204-5)~~).

~~(61)~~ "Public Water System" (PWS) means a system, either publicly or privately owned, providing water through constructed conveyances for human consumption and other domestic uses, which has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days out of the year and includes collection, treatment, storage, or distribution facilities under the control of the operator and used primarily in connection with the system, or collection, pretreatment or storage facilities used primarily in connection with the system but not under his control (see 19-4-102 of the Utah Code Annotated). All public water systems are further categorized into three different types,

community (CWS), non-transient non-community (NTNCWS), and transient non-community (TNCWS). These categories are important with respect to required monitoring and water quality testing found in R309-205 and R309-210[+04] (see also definition of "water system").

[(62)-]"Raw Water" means water that is destined for some treatment process that will make it acceptable as drinking water. Common usage of terms such as lake or stream water, surface water or irrigation water are synonymous with raw water.

[(63)-]"Recreational Home Developments" are subdivision type developments wherein the dwellings are not intended as permanent domiciles.

[(64)-]"Recreational Vehicle Park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for individuals utilizing recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the general public or restricted to the organizational or institutional member and their guests only.

"Regional Operator" means a certified operator who is in direct responsible charge of more than one public drinking water system.

[(65)-]"Regionalized Water System" means any combination of water systems which are physically connected or operated or managed as a single unit.

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem" (mrem) is 1/1000 of a rem.

"Renewal Course" means a course of instruction, approved by the Subcommittee, which is a prerequisite to the renewal of a Backflow Technician's Certificate.

"Repeat compliance period" means any subsequent compliance period after the initial compliance period.

"Replacement well" means a public supply well drilled for the sole purpose of replacing an existing public supply well which is impaired or made useless by structural difficulties and in which the following conditions are met:

(1) the proposed well location shall be within a radius of 150 feet from an existing ground water supply well; and

(2) the PWS provides a copy of the replacement application approved by the State Engineer (refer to Section 73-3-28 of the Utah Code).

"Required reserve" means funds set aside to meet requirements set forth in a loan covenant/bond indenture.

[(66)-]"Residual Disinfectant Concentration" ("C" in CT calculations) means the concentration of disinfectant, measured in mg/l, in a representative sample of water.

"Restricted Certificate" means that the operator has qualified by passing an examination but is in a restricted certification status due to lack of experience as an operator.

[(67)-]"Roadway Rest Stop" shall mean any building, or buildings, or grounds, parking areas, including the necessary toilet, hand washing, water supply and wastewater facilities intended for the accommodation of people using such facilities while traveling on public roadways. It does not include scenic view or roadside picnic areas or other parking areas if these are properly identified

"Routine Chemical Monitoring Violation" means no routine chemical sample(s) was taken as required in R309-104-4.

"Safe Yield" means the annual quantity of water that can be taken from a source of supply over a period of years without

depleting the source beyond its ability to be replenished naturally in "wet years".

"Sanitary Seal" means a cap that prevents contaminants from entering a well through the top of the casing.

[(68)-]"scfm/sf" means standard cubic foot per minute per square foot and is one way of expressing flowrate of air at standard density through a filter or duct area.

[(69)-]"Secondary Disinfection" means the adding of an acceptable secondary disinfectant to assure that the quality of the water is maintained throughout the distribution system. The effectiveness is measured by maintaining detectable disinfectant residuals throughout the distribution system. Acceptable secondary disinfectants are chlorine, chloramine, and chlorine dioxide.

"Secondary Maximum Contaminant Level" means the advisable maximum level of contaminant in water which is delivered to any user of a public water system.

"Secretary to the Subcommittee" means that individual appointed by the Executive Secretary to conduct the business of the Subcommittee.

[(70)-]"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

[(71)-]"Semi-Developed Camp" means a campground accessible by any type of vehicular traffic. Facilities are provided for both protection of site and comfort of users. Roads, trails and campsites are defined and basic facilities (water, flush toilets and/or vault toilets, tables, fireplaces or tent pads) are provided. These camps include but are not limited to National Forest campgrounds, Bureau of Reclamation campgrounds, and youth camps.

"Service Connection" means the constructed conveyance by which a dwelling, commercial or industrial establishment, or other water user obtains water from the supplier's distribution system. Multiple dwelling units such as condominiums or apartments, shall be considered to have a single service connection, if fed by a single line, for the purpose of microbiological repeat sampling; but shall be evaluated by the supplier as multiple "equivalent residential connections" for the purpose of source and storage capacities.

[(72)-]"Service Factor" means a rating on a motor to indicate an increased horsepower capacity beyond nominal nameplate capacity for occasional overload conditions.

"Service line sample" means a one-liter sample of water collected in accordance with R309-104-4.2.3.b.3, that has been standing for at least 6 hours in a service line.

"Single family structure" for the purposes of R309-104-4.2 only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

"Small water system" means a public water system that serves 3,300 persons or fewer.

"Specialist" means a person who has successfully passed the written certification exam and meets the required experience, but who is not in direct employment with a Utah public drinking water system.

"Stabilized drawdown" means that there is less than 0.5 foot of change in water level measurements in a pumped well for a minimum period of six hours.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"SOCs" means synthetic organic chemicals.

[(73)-]"Stabilized Drawdown" means the drawdown measurements taken during a constant-rate yield and drawdown test

as outlined in subsection R309-515-14(10)(b)[204-6(10)(b)] are constant (no change).

"Subcommittee" means the Cross Connection Control Subcommittee.

"Supplier of water" means any person who owns or operates a public water system.

~~[(74)-]~~"Surface Water" means all water which is open to the atmosphere and subject to surface runoff (see also section R309-204-5(1)). This includes conveyances such as ditches, canals and aqueducts, as well as natural features.

"Susceptibility" means the potential for a PWS (as determined at the point immediately preceding treatment, or if no treatment is provided, at the entry point to the distribution system) to draw water contaminated above a demonstrated background water quality concentration through any overland or subsurface pathway. Such pathways may include cracks or fissures in or open areas of the surface water intake, and/or the wellhead, and/or the pipe/conveyance between the intake and the water distribution system or treatment.

"SUVA" means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/l).

"System with a single service connection" means a system which supplies drinking water to consumers via a single service line.

~~[(75)-]~~"T" is short for "Contact Time" and is generally used in conjunction with either the residual disinfectant concentration (C) in determining CT or the velocity gradient (G) in determining mixing energy GT.

~~[(76)-]~~"Ten State Standards" refers to the Recommended Standards For Water Works, 1997[1992] by the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers available from Health Education Services, A Division of Health Research Inc., P.O. Box 7126, Albany, New York 12224, (518)439-7286.

"Time of travel" means the time required for a particle of water to move in the producing aquifer from a specific point to a ground water source of drinking water. It also means the time required for a particle of water to travel from a specific point along a surface water body to an intake.

~~[(77)-]~~"Total Inactivation Ratio" is the sum of all the inactivation ratios calculated for a series of disinfection sequences, and is indicated or shown as: "Summation sign ($CT_{calc}/CT_{req'd}$)." A total inactivation ratio equal to or greater than 1.0 is assumed to provide the required inactivation of Giardia lamblia cysts. $CT_{calc}/CT_{99.9}$ equal to 1.0 provides 99.9 percent (3-log) inactivation, whereas CT_{calc}/CT_{90} equal to 1.0 only provides 90 percent (1-log) inactivation.

"Too numerous to count" (TNTC) means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform detection.

"Total Organic Carbon" (TOC) means total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Total Trihalomethanes" (TTHM) means the MCL for trihalomethanes. This is the sum of four of ten possible isomers of chlorine/bromine/methane compounds, all known as trihalomethanes (THM). TTHM is defined as the arithmetic sum of the concentrations in micro grams per liter of only four of these (chloroform, bromodichloromethane, dibromochloromethane, and bromoform) rounded to two significant figures. This measurement is made by samples which are "quenched," meaning that a chlorine neutralizing agent has been added, preventing further THM formation in the samples.

"Training Coordinating Committee" means the voluntary association of individuals responsible for environmental training in the state of Utah.

~~[(78)-]~~"Transient Non-Community Water System" (TNCWS) means a non-community public water system that does not serve 25 of the same nonresident persons per day for more than six months per year. Examples of such systems are those[~~—serving a campground~~], RV park, diner or convenience store where the permanent nonresident staff number less than 25, but the number of people served exceeds 25.

"Treatment Plant" means those facilities capable of delivering complete treatment to any water (the equivalent of coagulation and/or filtration) serving a public drinking water supply.

"Treatment Plant Manager" means the individual responsible for all operations of a treatment plant.

"Trihalomethanes" (THM) means any one or all members of this class of organic compounds.

"Trihalomethane Formation Potential" (THMFP) - these samples are collected just following disinfection and measure the highest possible TTHM value to be expected in the water distribution system. The formation potential is measured by not neutralizing the disinfecting agent at the time of collection, but storing the sample seven days at 25 degrees C prior to analysis. A chlorine residual must be present in these samples at the end of the seven day period prior to analysis for the samples to be considered valid for this test. Samples without a residual at the end of this period must be resampled if this test is desired.

"Turbidity Unit" refers to NTU or Nephelometric Turbidity Unit.

~~[(79)-]~~"UDI" means under direct influence (see also "Ground Water Under the Direct Influence of Surface Water").

"Uncovered finished water storage facility" is a tank, reservoir, or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the atmosphere.

"Unprotected aquifer" means any aquifer that does not meet the definition of a protected aquifer.

"Unregulated Contaminant" means a known or suspected disease causing contaminant for which no maximum contaminant level has been established.

"Unrestricted Certificate" means that a certificate of competency has been issued by the Board on the recommendation of the Commission. This certificate implies that the operator has passed the appropriate level written examination and has met all certification requirements at the discipline and grade stated on his certificate.

~~[(80)]~~"Virus" means a virus of fecal origin which is infectious to humans.

~~[(81)]~~"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system, as determined by the appropriate local or State agency.

"Watershed" means the topographic boundary that is the perimeter of the catchment basin that contributes water through a surface source to the intake structure. For the purposes of surface water DWSP, if the topographic boundary intersects the state boundary, the state boundary becomes the boundary of the watershed.

"Water Supplier" means a person who owns or operates a public drinking water system.

~~[(82)]~~"Water System" means all lands, property, rights, rights-of-way, easements and related facilities owned by a single entity, which are deemed necessary or convenient to deliver drinking water from source to the service connection of a consumer(s). This includes all water rights acquired in connection with the system, all means of conserving, controlling and distributing drinking water, including, but not limited to, diversion or collection works, springs, wells, treatment plants, pumps, lift stations, service meters, mains, hydrants, reservoirs, tanks and associated appurtenances within the property or easement boundaries under the control of or controlled by the entity owning the system.

In accordance with R309~~[-104-2]~~, certain water systems may be exempted from monitoring requirements, but such exemption does not extend to submittal of plans and specifications for any modifications considered a public drinking water project~~[-as outlined in R309-201-5]~~.

"Wellhead" means the physical structure, facility, or device at the land surface from or through which ground water flows or is pumped from subsurface, water-bearing formations.

~~[(83)]~~"Zone of Influence" corresponds to area of the upper portion of the cone of depression as described in "Groundwater and Wells," second edition, by Fletcher G. Driscoll, Ph.D., and published by Johnson Division, St. Paul, Minnesota.

KEY: drinking water, definitions
~~[January 1, 1998]~~2000

19-4-104



Environmental Quality, Drinking Water
R309-205
(Changed to R309-520)
Facility Design and Operation:
Disinfection

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22884
 FILED: 05/23/2000, 14:06
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this rule is to provide specific design requirements for facilities which disinfect drinking water. This change is primarily a renumbering of Rule R309-205 to conform with a renumbering scheme approved by the Drinking Water Board to allow for forthcoming rule changes mandated by the federal Safe Drinking Water Act (SDWA).

SUMMARY OF THE RULE OR CHANGE: This primarily is a renumbering of existing Rule R309-205, with some minor corrections to bring clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: "Interim Standard - Ozonation," Recommended Standards for Water Works, 1997 Edition

ANTICIPATED COST OR SAVINGS TO:
 ❖**THE STATE BUDGET:** None--because this is primarily a renumbering of existing Rule R309-205, there will be no increased work load to staff nor any change to the state budget as a result of this proposed change.
 ❖**LOCAL GOVERNMENTS:** None--see explanation given under "state budget."
 ❖**OTHER PERSONS:** None--see explanation given under "state budget."
COMPLIANCE COSTS FOR AFFECTED PERSONS: None--because this rule change deals only with minor clarification and renumbering of an existing rule, there will be no additional cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed rule change will not have any fiscal impact on public water systems or affiliated businesses, such as engineering firms, which provide services to these systems.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Environmental Quality
 Drinking Water
 Second Floor
 150 North 1950 West
 PO Box 144830
 Salt Lake City, UT 84114-4830, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Michael B. Georgeson / William B. Birkes at the above address, by phone at (801) 536-4197 / (801) 536-4201, by FAX at (801) 536-4211, or by Internet E-mail at mgeorges@deq.state.ut.us / bbirkes@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Kevin W. Brown, Director

R309. Environmental Quality, Drinking Water.

R309-520[205]. Facility Design and Operation: Disinfection.

R309-520[205]-1. Purpose.

This rule specifies requirements for facilities which disinfect[ant] public drinking water. It is intended to be applied in conjunction with R309-500[20+] through R309-550[2+]. Collectively, these rules govern the design, construction, operation and maintenance of public drinking water system facilities. These rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to general public health.

R309-520[205]-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code [Annotated] and in accordance with Title 63, Chapter 46a of the same, known as the Administrative Rulemaking Act.

R309-520[205]-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110[200] but may be further clarified herein.

R309-520[205]-4. General.

Continuous disinfection shall be required of all ground water sources not consistently meeting standards of bacteriologic quality. Surface water sources or ground water sources under direct influence of surface water shall be disinfected during the course of required conventional surface water treatment or alternative surface water treatment. Disinfection shall not be considered a substitute for inadequate collection facilities. Systems having only sources classified as ground water (see R309-202-8) and which disinfect shall meet the requirements of R309-102-4.1.]

R309-520[205]-5. Allowable Primary Disinfectants.

Primary disinfection is defined as the means for providing adequate levels of inactivation of pathogenic micro organisms within the treatment process. Its effectiveness is measured through the "CT" values. Only three disinfectants; chlorine (gaseous and liquid hypochlorites), ozone, and chlorine dioxide are allowable for primary disinfection.

R309-520[205]-6. Allowable Secondary Disinfectants.

Secondary disinfection is intended to provide an adequate disinfectant residual in the distribution system to maintain the bacteriological quality of treated water. Its effectiveness is measured through maintaining a detectable disinfectant residual throughout the distribution system. Allowable disinfectants are chlorine (gaseous and liquid hypochlorites), chloramine, and chlorine dioxide.

R309-520[205]-7. Appropriate Uses of Chemical Disinfectants.

Chemical disinfection alone is appropriate only for groundwater not under the influence of surface water. Surface water, or groundwater under the direct influence of surface water,

shall be coagulated and filtered in addition to being disinfected. For criteria to be used in determining required levels of treatment refer to R309-103-2.7.

R309-520[205]-8. Required Chemical Dosing and Contact Time.

Minimum levels for primary and secondary disinfection are specified in R309-103-2.7.

R309-520[205]-9. Siting.

Disinfection installations shall be sited to permit convenient access through the entire year as well as considerations of safety (i.e. proximity to population or seismic fault zones).

R309-520[205]-10. Chlorine.

(1) General Requirements for all Chlorination Installations.

(a) Chemical Types.

Disinfection by chlorination shall be accomplished by gaseous chlorine or liquid solutions of calcium or sodium hypochlorites.

(b) Feeding Equipment.

Solution-feed gas type chlorinators, direct-feed gas type chlorinators or hypochlorite liquid feeders of a positive displacement type shall be provided. Solution-feed gas type chlorinators are preferred. However, for small supplies requiring less than four pounds per day, liquid hypochlorinators are advised.

(c) Chlorine Feed Capacity.

The design of each chlorinator shall permit:

(i) the chlorinator capacity to be such that a free chlorine residual of at least 2 mg/l can be maintained in the system after 30 minutes of contact time during peak demand. The equipment shall be of such design that it will operate accurately over a feeding range of 0.2 mg/l to 2 mg/l.

(ii) assurance that a detectable residual, either combined or free, can be maintained at all times, at all points in the distribution system.

(d) Automatic Proportioning.

Automatic proportioning chlorinators shall be required where the rate of flow or chlorine demand is not reasonably constant.

(e) Injector/diffuser.

The chlorine solution injector/diffuser shall be compatible with the point of application to provide a rapid and thorough mix with all the water being treated. The center of a pipeline is the preferred application point.

(f) Contact Time and Point of Application.

(i) Due consideration shall be given to the contact time of the chlorine in water with relation to pH, ammonia, taste producing substances, temperature, biological quality, and other pertinent factors.

(ii) Where possible, the design shall minimize the formation of chloro-organic compounds. At plants treating surface water or ground water under the direct influence of surface water, provisions shall be made for applying chlorine to raw water, applied water, filtered water, and water entering the distribution system.

(iii) When treating ground water, provisions shall be made for applying chlorine to at least a reservoir inlet or transmission pipeline which will provide maximum contact time.

(iv) Care must be taken to assure that the point of application will, in conjunction with the pipe and tank configuration of the water system, allow required CT values to be achieved prior to the first consumer connection.

(g) Minimization of Chlorinated Overflow.

The chlorinator and associated water delivery facilities shall be designed so as to minimize the unnecessary release of chlorinated water into the environment from tank overflows (see also rules of Division of Water Quality pertaining to discharge or pollution).

(h) Chlorinator Piping.

The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable quality. At all facilities treating surface water, pre- and post-chlorination systems shall be independent where solution water is not finished water. All chlorinator solution water shall be at least of equal quality to the water receiving the chlorine solution.

(i) Water Measurement.

A means to measure water flow to be treated shall be provided.

(j) Residual Testing Equipment.

Chlorine residual test equipment recognized in the latest edition of "Standard Methods for the Examination of Water and Wastewater" shall be provided and shall be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg/l between 0.5 mg/l and 1.0 mg/l and to the nearest 0.5 mg/l above 1.0 mg/l.

(k) Standby and Backup Equipment.

A spare parts kit shall be provided and maintained for all chlorinators to repair parts subject to wear and breakage. If there is a large difference in feed rates between routine and emergency dosages, a gas metering tube shall be provided for each dose range to ensure accurate control of the chlorine feed. Where chlorination is required for protection of the supply, standby equipment of sufficient capacity shall be available to replace the largest unit. Standby power shall be available, during power outages, for operation of chlorinators where protection of the supply is required.

(l) Heating, Lighting, Ventilation.

Chlorinator houses shall be heated, lighted and ventilated as necessary to assure proper operation of the equipment, and serviceability.

(m) Bypass Capability.

A chlorinator bypass shall be provided for periods during chlorinator servicing and power outages.

(2) Additional Requirement for Gas Chlorinators.

(a) Automatic Switch over.

Automatic Switch over of chlorine cylinders shall be provided, where necessary, to assure continuous disinfection.

(b) Injector.

Each injector shall be selected for the point of application with particular attention given to the quantity of chlorine to be added, the maximum injector waterflow, the total discharge back pressure, the injector operating pressure, and the size of the chlorine solution line. Gauges for measuring water pressure at the inlet and outlet of each injector shall be provided.

(c) Gas Scrubbers.

Gas chlorine facilities shall conform with the Uniform Fire Code, Article 80 and the Uniform Building Code, Chapter 9 as they are applied by local jurisdictions in the state. Furthermore, local toxic gas ordinances shall be complied with if they exist.

(d) Heat.

The design of the chlorination room shall assure that the temperature in the room will never fall below 32 degrees F or that temperature required for proper operation of the chlorinator, whichever is greater.

(e) Ventilation.

Chlorination equipment rooms which contain cylinders or equipment and lines with gaseous chlorine under pressure shall be vented such that:

(i) when fan(s) are operating, suction will provide one complete room air change per minute;

(ii) the ventilating fan(s) take suction near the floor, as far as practical from the door and air inlet, with the point of discharge so located as not to contaminate air inlets of any rooms or structures;

(iii) air inlets are through louvers near the ceiling;

(iv) louvers for chlorine room air intake and exhaust facilitate airtight closure;

(v) separate switches for the fans and lights are outside of the room, at the entrance to the chlorination equipment room. Outside switches shall be protected from vandalism;

(v) vents from feeders and storage discharge above grade to the outside atmosphere; and

(vi) floor drains are discouraged. Where provided, the floor drains shall discharge to the outside of the building and shall not be connected to other internal or external drainage systems.

(f) Feeder Vent Hose.

The vent hose from the feeder shall discharge to the outside atmosphere above grade at a point least susceptible to vandalism and shall have the end covered with a No. 14 mesh non-corrodible screen.

(g) Housing.

Adequate housing shall be provided for the chlorination equipment and for storing the chlorine (see R309-520-10(1)(d)[205-10(2)(d)] above).

(h) Housing at Water Treatment Plants.

Separate rooms for cylinders and feed equipment shall be provided at all water treatment plants. Chlorine gas feed and storage shall be enclosed and separated from other operating areas. The chlorine room shall be:

(i) provided with a shatter resistant inspection window installed in an interior wall and preferably located so that an operator may read the weighing scales without entering the chlorine room,

(ii) constructed in a manner that all openings between the chlorine room and the remainder of the plant are sealed, and

(iii) provided with doors equipped with panic hardware assuring ready means of exit and opening only to the building exterior.

(i) Cylinder Security.

Full and empty cylinders of chlorine gas shall be:

(i) isolated from operating areas;

(ii) restrained in position to prevent upset from accidental bumping or a seismic event;

(iii) stored in rooms separated from ammonia storage; and

(iv) stored in areas not in direct sunlight or exposed to excessive heat.

(j) Feed Line Routing.

Chlorine feed lines shall not carry pressurized chlorine gas beyond the chlorinator room. Only vacuum lines may be routed to other portions of the building outside the chlorine room and any openings for these lines must be adequately sealed.

(k) Weighing Scales.

Scales shall be provided for weighing cylinders. Scales should be of a corrosion resistant material and should be placed in a

location remote from any moisture. Scales shall be accurate enough to indicate loss of weight to the nearest one pound for 150 pound cylinders and to the nearest 10 pounds for one ton cylinders.

(l) Pressure Gauges.

Pressure gauges shall be provided on the inlet and outlet of each chlorine injector as indicated in R309-520[205]-10(2)(b). The preferred location is on the water feed line immediately before the inlet of the chlorine injector and at a point on the water main just ahead of chlorine injection. These locations should give accurate pressure readings while not being subjected to corrosive chlorinated water.

(m) Injector Protection.

A suitable screen to prevent small debris from clogging a chlorine injector shall be provided on the water feed line. Provision for flushing of the screen is required.

(n) Chlorine Vent Line Protection.

A non-corrodible fine mesh (No. 14 or finer) screen shall be placed over the discharge ends of all vent lines. All vent lines shall discharge to the outside atmosphere above grade and at locations least susceptible to vandalism.

(o) Gas Masks.

(i) Respiratory protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available where chlorine gas in one-ton cylinders is handled, and shall be stored at a convenient location, but not inside any room where chlorine is used or stored. The units shall use compressed air, have at least a 30 minute capacity, and be compatible with or exactly the same as units used by the fire department responsible for the plant.

(ii) Where smaller chlorine cylinders are used, suitable gas masks must be provided.

(p) Chlorine Leak Detection and Repair.

A bottle of Ammonium Hydroxide, 56% ammonia solution, shall be available for chlorine leak detection; where ton containers are used, a leak repair kit approved by the Chlorine Institute shall be provided. Continuous chlorine leak detection equipment is recommended. Where a leak detector is provided, it shall be equipped with both an audible alarm and a warning light.

R309-520[205]-11. Ozone.

Proposals for use of ozone disinfection shall be discussed with the Division prior to the preparation of final plans and specifications.

~~[Policy Statement on]~~ Interim Standard - Ozonation, page ~~xxxi~~[xx], in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), 1997[1992] edition is hereby incorporated by reference and shall govern the design and operation of disinfection facilities utilizing ozone. This document is published by the Great Lakes-Upper Mississippi River Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.

R309-520[205]-12. Chlorine Dioxide.

Proposals for the use of Chlorine Dioxide as a disinfectant shall be discussed with the Division prior to the preparation of final plans and specifications. The "CT" values for the inactivation of Giardia cysts using chlorine dioxide are independent of pH, with only temperature affecting the value. For chlorine dioxide, a 3-log inactivation of Giardia cysts will generally result in greater than 4-

log virus inactivation, and assure meeting requirements. However, for chlorine dioxide, unlike chlorine where this relationship always hold true, at certain temperatures, the 4-log virus CT may be higher than the 3-log Giardia cyst CT.

R309-520[205]-13. Chloramines.

Proposals for the use of Chloramines as a disinfectant shall be discussed with the Division prior to the preparation of final plans and specifications.

R309-520[205]-14. Ultraviolet Light.

(1) Proposals for use of ultraviolet disinfection shall be discussed with the Division prior to the preparation of final plans and specifications.

(2) Secondary disinfection and maintenance of the required residual will be necessary where disinfection of the supply is required.

(3) Ultraviolet disinfection will be permitted where the design conforms to the minimum recommendations of the U.S. Public Health Service listed below.

(a) Ultraviolet radiation at a level of 2,537 Angstrom units must be applied at a minimum dosage of 16,000 microwatt-seconds per square centimeter per second (1,600 Finsen Units) at all points throughout the water disinfection chamber.

(b) Maximum water depth in the chamber, measured from the tub surface to the chamber wall, shall not exceed three inches.

(c) The ultraviolet tubes shall be:

(i) jacketed so that a proper operating tube temperature of about 105 degrees F is maintained; and

(ii) the jacket shall be of quartz or high silica glass with similar optical characteristics.

(d) A flow or time delay mechanism shall be provided to permit a two minute tube warm-up period before water flows from the unit.

(e) The unit shall be designed to permit frequent mechanical cleaning of the water contact surface of the jacket without disassembly of the unit.

(f) An automatic flow control valve, accurate within the expected pressure range, shall be installed to restrict flow to the maximum design flow of the treatment unit.

(g) An accurately calibrated ultraviolet intensity meter, properly filtered to restrict its sensitivity to the disinfection spectrum, shall be installed in the wall of the disinfection chamber at the point of greatest water depth from the tube or tubes.

(h) A diversion valve or automatic shut-off valve shall be installed which will permit flow into the finished drinking water system only when at least the minimum ultraviolet dosage is applied. When power is not being supplied to the unit, the valve should be in a closed position which prevents the flow of water into the finished drinking water system.

(i) An automatic, audible alarm shall be installed to warn of malfunction or impending shutdown.

(j) The materials of construction shall not impart toxic materials into the water either as a result of the presence of toxic constituents in materials of construction or as a result of physical or chemical changes resulting from exposure to ultraviolet energy.

(k) The unit shall be designed to protect the operator against electrical shock or excessive radiation.

(l) As with any drinking water treatment process, due consideration must be given to the reliability, economics, and competent operation of the disinfection process and related equipment, including:

- (i) installation of the unit in a protected enclosure not subject to extremes of temperature which could cause malfunction; and
- (ii) provision of a spare UV tube and other necessary equipment to effect prompt repair by qualified personnel properly instructed in the operation and maintenance of the equipment.

R309-520[205]-15. Operation and Maintenance.

(1) Safety.

Chlorine gas facilities shall be operated in a manner which minimizes risks to water system personnel or the general public.

(2) Residual Chlorine.

Public drinking water systems supplied water from conventional surface water treatment or alternatives shall test for detectable chlorine residual or HPC within the distribution system as outlined in R309-104-4.7.4c.

(3) Chlorine Dosing.

Chlorine, when used in the distribution system, shall be added in sufficient quantity to achieve either "breakpoint" and yield a detectable free chlorine residual or a detectable combined chlorine residual in the distribution system at points to be determined by the Executive Secretary. Residual checks must be taken daily by the operator of any system using disinfectants. The Executive Secretary may, however, reduce the frequency of residual checks if he determines that this would be an unwarranted hardship on the water system operator and, furthermore, the disinfection equipment has a verified record of reliable operation. Suppliers, when checking for residuals, must use test kits and methods which meet the requirements of the U.S. EPA. The "DPD" test method is recommended for free chlorine residuals. Information on the suppliers of this equipment is available from the Division.

(4) ANSI/NSF Standard 60 Certification.

All chemicals, including chlorine gas, added to drinking water supplied by a public water system shall be certified as complying with ANSI/NSF Standard 60, Drinking Water Treatment Chemicals.

KEY: drinking water, primary disinfectants, secondary disinfectants, operation and maintenance
[January 1, 1998]2000 **19-4-104**



Environmental Quality, Drinking Water
R309-210
 (Changed to R309-545)
 Facility Design and Operation:
 Drinking Water Storage Tanks

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22885
 FILED: 05/23/2000, 14:09
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this rule is to provide specific design requirements for facilities which provide storage of drinking water. This change is primarily a renumbering of Rule R309-210 to conform with a renumbering scheme approved by the Drinking Water Board to allow for forthcoming rule changes mandated by the federal Safe Drinking Water Act (SDWA).

SUMMARY OF THE RULE OR CHANGE: This primarily is a renumbering of existing Rule R309-210 with some minor corrections to bring clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 1) AWWA Standard D100-96, "Welded Steel Tanks for Water Storage" (1997); 2) AWWA Standard D102-97, "Coating Steel Water-Storage Tanks" (1997); 3) AWWA Standard D103-97, "Factory-Coated Bolted Steel Tanks for Water Storage" (1998); 4) AWWA Standard D104-97, "Automatically Controlled, Impressed-Current Cathodic Protection for the Interior of Steel Water Tanks" (1997); 5) AWWA Standard D110-95, "Wire-Wound Circular Prestressed-Concrete Water Tanks" (including addendum D110a-96) (1996); 6) AWWA Standard D115-95, "Circular Prestressed Concrete Water Tanks with Circumferential Tendons" (1996); 7) AWWA Standard D130-96, "Flexible-Membrane-Lining and Floating-Cover" (1996); and 8) AWWA Standard D120-84 (R89), "Thermosetting Fiberglass-Reinforced Plastic Tanks" (1989)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--because this is primarily a renumbering of existing Rule R309-210, there will be no increased work load to staff nor any change to the state budget as a result of this proposed change.

❖LOCAL GOVERNMENTS: None--see explanation given under "state budget."

❖OTHER PERSONS: None--see explanation given under "state budget."

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--because this rule change deals only with minor clarification and renumbering of an existing rule there will be no additional cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed rule change will not have any fiscal impact on public water systems or affiliated businesses, such as engineering firms, which provide services to these systems.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
 Drinking Water
 Second Floor
 150 North 1950 West
 PO Box 144830

Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Michael B. Georgeson / William B. Birkes at the above
address, by phone at (801) 536-4197 / (801) 536-4201, by
FAX at (801) 536-4211, or by Internet E-mail at
mgeorges@deq.state.ut.us / bbirkes@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO
LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Kevin W. Brown, Director

R309. Environmental Quality, Drinking Water.
R309-545[210]. Facility Design and Operation: Drinking
Water Storage Tanks.

R309-545[210]-1. Purpose.

The purpose of this rule is to provide specific requirements for public drinking water storage tanks. It is intended to be applied in conjunction with other rules, specifically R309-500[201] through R309-550[211]. Collectively, these rules govern the design, construction, operation and maintenance of public drinking water system facilities. These rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to general public health.

R309-545[210]-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code[-Annotated] and in accordance with 63-46a of the same, known as the Administrative Rulemaking Act.

R309-545[210]-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110[200] but may be further clarified herein.

R309-545[210]-4. General.

Storage for drinking water shall be provided as an integral part of each public drinking water system unless an exception to rule is approved by the Executive Secretary. Pipeline volume in transmission or distribution lines shall not be considered part of any storage volumes.

R309-545[210]-5. Size of Tank(s).

Required Storage Capacity: In the absence of firm water use data, at or above the 90% confidence level, storage[Storage] tanks shall be sized in accordance with the recommended minimums[requirements] of R309-510[203].

R309-545[210]-6. Tank Material and Structural Adequacy.

(1) Materials.

The materials used in drinking water storage structures shall provide stability and durability as well as protect the quality of the stored water.

(2) Structural Design.

The structural design of drinking water storage structures shall be sufficient for the environment in which they are located. The design shall incorporate a careful analysis of potential seismic risks.

R309-545[210]-7. Location of Tanks.

(1) Pressure Considerations.

The location of the reservoir and the design of the water system shall be such that the minimum working pressure in the distribution system under peak day demand[instantaneous flow] conditions, including fire flow, is 20 psi.

(2) Connections.

Tanks shall be located at an elevation where present and anticipated connections can be adequately served. System connections shall not be placed at elevations such that a minimum of 20 psi[~~at peak instantaneous flow~~] cannot be continuously maintained.

(3) Sewer Proximity.

Sewers, drains, standing water, and similar sources of possible contamination shall be kept at least 50 horizontal feet from the reservoir.

(4) Standing Surface Water.

The area surrounding a ground-level drinking water storage structure shall be graded in a manner that will prevent surface water from standing within 50 horizontal feet of the structure.

(5) Ability to Isolate.

Drinking water storage structures shall be designed and located so that they can be isolated from the distribution system. Storage structures shall be capable of being drained for cleaning or maintenance without necessitating loss of pressure in the distribution system.

(6) Earthquake and Landslide Risks.

Potential geologic hazards shall be taken into account in selecting a tank location. Earthquake and landslide risks shall be evaluated.

(7) Security.

The site location and design of a drinking water storage reservoir shall take into consideration security issues and potential for vandalism.

R309-545[210]-8. Tank Burial.

(1) Flood Elevation.

The bottom of drinking water storage reservoirs shall be located at least three feet above the 100 year flood level or the highest known maximum flood elevation, whichever is higher.

(2) Ground Water.

When the bottom of a drinking water storage reservoir is to be below normal ground surface, it shall be placed above the local ground water table elevation.

(3) Covered Roof.

When the roof of a drinking water storage reservoir is to be covered by earth, the roof[it] shall be sloped to drain toward the outside edge of the tank[and have a membrane cover].

R309-545[210]-9. Tank Roof and Sidewalls.

(1) Protection From Contamination.

All drinking water storage structures shall have suitable watertight roofs and sidewalls which shall also exclude birds, animals, insects, and excessive dust.

(2) Openings.

Openings in the roof and sidewalls shall be kept to a minimum and comply with the following:

(a) Any pipes running through the roof or sidewall of a metal drinking water storage structure shall be welded, or properly gasketed. In new concrete tanks, these pipes shall be connected to standard wall castings with seepage rings which have been poured in place. Vent pipes, in addition to seepage rings, shall have raised concrete curbs which direct water away from the vent pipe and are formed as a single pour with the roof deck. No roof drains or any other pipes which may contain water of less quality than drinking water shall ever penetrate the roof, walls, or floor of a drinking water storage tank.

(b) Openings in a storage structure roof or top, designated to accommodate control apparatus or pump columns, shall be welded, gasketed, or curbed and sleeved as above, and shall have additional proper shielding to prevent vandalism.

(c) Openings shall be kept as far away as possible from the storage tank outlet and other sources of surface water.

(3) Adjacent Compartments.

Drinking water shall not be stored or conveyed in a compartment adjacent to wastewater when the two compartments are separated by a single wall.

(4) Slope of Roof.

The roof of all storage structures shall be designed for drainage. Parapets, or similar construction which would tend to hold water and snow, shall not be utilized unless adequate waterproofing and drainage are provided. Downspout or roof drain pipes shall not enter or pass through the reservoir.

R309-545[210]-10. Internal Features.

The following shall apply to internal features of drinking water storage structures:

(1) Drains.

If a drain is provided, it shall not discharge to a sanitary sewer. If local authority allows discharge to a storm drain, the drain discharge shall have a physical air gap of at least two pipe diameters between the discharge end of the pipe and the overflow rim of the receiving basin.

(2) Internal Catwalks.

Internal catwalks, if provided and located so as to be over the drinking water, shall have a solid floor with raised edges. The edges and floor shall be so designed that shoe scrapings or dirt will not fall into the drinking water.

(3) Inlet and Outlet.

To minimize potential sediment flow from the structure, the normal outlet pipes from all reservoirs shall be located in a manner to provide a silt trap prior to discharge into the distribution system.

(4) Disinfection.

If the drinking water reservoir is to be utilized as a contact basin for disinfection purposes, the design engineer shall conduct tracer studies or other tests, previously approved by the Executive Secretary, to determine the minimum contact time and the potential for short circuiting.

R309-545[210]-11. ANSI/NSF International, Standard 61.

(1) ANSI/NSF Standard 61 Certification.

All interior surfaces or coatings shall consist of products which are certified by laboratories approved by ANSI and which comply with ANSI/NSF Standard 61 or other standards approved by the Executive Secretary. This requirement applies to any pipes and fittings, protective materials (e.g. paints, coatings, concrete admixtures, concrete release agents, concrete sealers), joining and sealing materials (e.g. adhesives, caulks, gaskets, primers and sealants) and mechanical devices (e.g. electrical wire, switches, sensors, valves, submersible pumps) which are located so as to come into contact with the drinking water.

(2) Curing Time and Volatile Organic Compounds.

If products which require a cure or set time are utilized in such a way as to come into contact with the drinking water, then water shall not be introduced into the vessel until any required curing time has passed. It shall be the responsibility of the water purveyor to assure that no tastes or odors, toxins or other compounds, which result in MCL exceedances, are imparted to the water as a result of tank repair.

R309-545[210]-12. Steel Tanks.

(1) Paints.

Proper protection shall be given to all metal surfaces, both internal and external, by paints or other protective coatings. Internal coatings shall comply with ANSI/NSF Standard 61.

(2) Cathodic Protection.

If installed, internal cathodic protection shall be designed, installed and maintained by personnel trained in corrosion engineering.

R309-545[210]-13. Tank Overflow.

All water storage structures shall be provided with an overflow which is discharged at an elevation between 12 and 24 inches above the ground surface with an appropriate air gap. The discharges shall not cause erosion.

(1) Diameter.

All overflow pipes shall be of sufficient capacity to permit waste of water in excess of the filling rate.

(2) Slope.

All overflow pipes shall be sloped for complete drainage,

(3) Screen.

All overflow pipes shall be screened with No. 4 mesh non-corrodible screen installed at a location least susceptible to damage by vandalism,

(4) Visible Discharge.

All overflow pipes shall be located so that any discharge is visible,

(5) Cross Connections.

All overflow pipes shall not be connected to, or discharge into, any sanitary sewer system.

(6) Paint.

If an overflow pipe within a reservoir is painted or otherwise coated, such coating shall comply with ANSI/NSF Standard 61.

R309-545[210]-14. Access Openings.

Drinking water storage structures shall be designed with reasonably convenient access to the interior for cleaning and maintenance.

(1) Height.

There shall be at least one opening above the water line which shall be framed at least four inches above the surface of the roof at the opening; or if on a buried structure, shall be elevated at least 18 inches above any earthen cover over the structure. The frame shall be securely fastened and sealed to the tank roof so as to prevent any liquid contaminant entering the tank. Concrete drinking water storage structures shall have raised curbs around access openings, formed and poured continuous with the pouring of the roof and sloped to direct water away from the frame.

(2) Shoebox Lid.

The frame of any access opening~~[There shall be at least one opening above the water line which]~~ shall be provided with a close fitting solid shoebox type cover which extends down around the frame at least two inches and is furnished with a gasket(s) between the lid and frame,

(3) Locking Device.

The lid to any access opening~~[There shall be at least one opening above the water line which]~~ shall have a locking device.

R309-545[210]-15. Venting.

Drinking water storage structures shall be vented. Overflows shall not be considered as vents. Vents provided on drinking water storage reservoirs shall:

(1) Inverted Vent.

Be downturned or shielded to prevent the entrance of surface water and rainwater.

(2) Open Discharge.

On buried structures, have the discharge 24 to 36 inches above the earthen covering.

(3) Blockage.

Be located and sized so as to avoid blockage during winter conditions.

(4) Pests.

Exclude birds and animals.

(5) Dust.

Exclude insects and dust, as much as this function can be made compatible with effective venting.

(6) Screen.

Be fitted with No. 14 mesh or finer non-corrodible screen.

(7) Screen Protector.

Be fitted with additional heavy gage screen or substantial covering which will protect the No. 14 mesh screen against vandalism and, further, discourage purposeful attempts to contaminate the reservoir.

R309-545[210]-16. Freezing Prevention.

All drinking water storage structures and their appurtenances, especially the riser pipes, overflows, and vents, shall be designed to prevent freezing which may interfere with proper functioning.

R309-545[210]-17. Level Controls.

Adequate level control devices shall be provided to maintain water levels in storage structures.

R309-545[210]-18. Security.

Locks on access manholes, and other necessary precautions shall be provided to prevent unauthorized entrance, vandalism, or sabotage.

R309-545[210]-19. Safety.

(1) Utah OSHA.

The safety of employees shall be considered in the design of the storage structure. Ladders, ladder guards, platform railings, and safely located entrance hatches shall be provided where applicable. As a minimum, such matters shall conform to pertinent laws and regulations of the Utah Occupational Safety and Health Administration~~[OSHA]~~.

(2) Ladders.

Generally, ladders having an unbroken length in excess of 20 feet shall be provided with appropriate safety devices. This requirement shall apply both to interior and exterior reservoir ladders.

(3) Requirements for Elevated Tanks.

Elevated tanks shall have railings or handholds provided for transfer from the access tube to the water compartment.

R309-545[210]-20. Disinfection.

Drinking water storage structures shall be disinfected before being put into service for the first time, and after being entered for cleaning, repair, or painting. The reservoir shall be cleaned of all refuse and shall then be washed with potable water prior to adding the disinfectant. AWWA Standard C652-92 shall be followed for reservoir disinfection, with the exception there shall be no delivery of waters used in the disinfection process to the distribution system, unless specifically authorized, in writing, by the Executive Secretary.

Upon completing any of the three methods for storage tank chlorination, as outlined in AWWA C652-92, the water system must properly dispose of residual super-chlorinated waters in the outlet pipes. Other super-chlorinated waters, which are not to be ultimately diluted and delivered into the distribution system, shall also be properly disposed.

Chlorinated water discharged from the storage tank shall be disposed of in an acceptable manner and in conformance with the rules of the Utah Water Quality Board (see R317 of the Utah Administrative Code).

R309-545[210]-21. Incorporation by Reference.

The following list of Standards shall be considered as incorporated by reference in this specific rule. The most recent published copy of the referenced standard will apply in each case.

(1) AWWA Standards.

(a) C652-92, Disinfection of Water Storage Reservoirs.

(b) D100-96~~[84]~~, Welded Steel Tanks for Water Storage~~[including addendum D100a]~~.

(c) D101-53(R86), Inspecting and Repairing Steel Water Tanks, Standpipes, Reservoirs, and Elevated Tanks for Water Storage.

(d) D102-97, Coating Steel Water-Storage Tanks.

~~(e)[(t)]~~ D103-97~~[87]~~, Factory-Coated Bolted Steel Tanks for Water Storage.

~~(f)[(e)]~~ D104-97~~[94]~~, Automatically Controlled, Impressed-Current Cathodic Protection for the Interior of Steel Water Tanks.

~~(g)[(t)]~~ D110-95~~[86]~~, Wire-Wound Circular Prestressed-Concrete Water Tanks ~~(including addendum D110a-96)~~.

~~(h) D115-95, Circular Prestressed Concrete Water Tanks With Circumferential Tendons.~~

(i)~~(f)~~ D120-84(R89), Thermosetting Fiberglass-Reinforced Plastic Tanks.

(j)~~(h)~~ D130-96[87], Flexible-Membrane-Lining and Floating-Cover Materials for Potable-Water Storage.

(2) NSF International Standards.

(a) NSF 60, Drinking Water Treatment Chemicals - Health Effects.

(b) NSF 61, Drinking Water System Components - Health Effects.

(3) Utah OSHA.

Applicable standards of the Utah Occupational Safety and Health Administration are hereby incorporated by reference.

R309-545[210]-22. Operation and Maintenance of Storage Tanks.

(1) Inspection and Cleaning.

Tanks which are entered for inspection and cleaning shall be disinfected in accordance with AWWA Standard C652-92[R309-205] prior to being returned to service. When diver(s) enter storage tanks that have not been drained for inspection purposes, they shall comply with section five of the above standard unless the tank is constructed of steel, in which case they shall comply additionally with AWWA Standard D101-53(R86).

(2) Recoating or Repairing.

Any substance used to recoat or repair the interior of drinking water storage tank shall be certified to conform with ANSI/NSF Standard 61. If the tank is not drained for recoating or repairing, any substance or material used to repair interior coatings or cracks shall be suitable for underwater application, as indicated by the manufacturer, as well as comply with both ANSI/NSF Standards 60 and 61.

(3) Seasonal Use.

Water storage tanks which are operated seasonally shall be flushed and disinfected in accordance with AWWA Standard C652-92[according to R309-210-21] prior to each season's use. Certification of proper disinfection, as evidenced by at least one satisfactory bacteriologic sample, shall be obtained by the system management and kept on file for inspection by personnel of the Division. During the non-use period, care shall be taken to see that openings to the water storage tank (those which are normally closed and sealed during normal use) are closed and secured.

KEY: drinking water, storage tanks, access, overflow and drains

[January 1, 1998]2000

19-4-104



**Environmental Quality, Drinking Water
R309-350**

(Changed to R309-700)

**Utah Drinking Water Project Loan,
Credit Enhancement, Interest Buy-
Down, and Hardship Grant Program:
Policies and Guidelines**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22886

FILED: 05/23/2000, 14:41

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to provide guidance to political subdivisions of the state in making applications for loans, interest buy-down, credit enhancement, or hardship grants from the Drinking Water Board. The reason for changes to this rule is to provide clarification to certain areas of the rule, renumber the rule to conform with a renumbering scheme approved by the Board, and the internal numbering of sections and subsections is changed to conform with DAR guidelines.

SUMMARY OF THE RULE OR CHANGE: The entire rule is renumbered internally to conform with Division of Administrative Rules (DAR) guidelines for section, subsections, etc.; definitions are removed and reference to new Rule R309-110 made; some clarifications are made; and the rule number itself is changed to conform with a scheme approved by the Drinking Water Board which will allow for potential future rules being easily inserted without breaking up the major subject of a group of rules.

(DAR Note: The proposed amendment to R309-200 (changed to R309-110) is found under DAR No. 22883 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104; and Title 73, Chapters 10b and 10c

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--because this is primarily a rule number change to an existing program there will be no increased work load to staff nor any increase or reduction to the State budget as a result of these proposed changes.

❖LOCAL GOVERNMENTS: None--see explanation given under "state budget."

❖OTHER PERSONS: None--there is no increase or reduction in the impact these changes will have on persons performing engineering work or financial consulting for loan applicants.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--since this is only a rule number change to an existing program, there will be no increased cost for political subdivisions of the state applying for financial assistance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have no fiscal impact on water systems applying for or receiving financial assistance; nor will it impact any of the affiliated businesses such as engineering firms, escrow agents, bond counselors, or financial advisors which provide services to the applicants.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
 Drinking Water
 Second Floor
 150 North 1950 West
 PO Box 144830
 Salt Lake City, UT 84114-4830, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Michael B. Georgeson / William B. Birkes at the above address, by phone at (801) 536-4197 / (801) 536-4201, by FAX at (801) 536-4211, or by Internet E-mail at mgeorges@deq.state.ut.us / bbirkes@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Kevin W. Brown, Director

**R309. Environmental Quality, Drinking Water.
 R309-700[350]. Utah Drinking Water Project Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Program: Policies and Guidelines.**

R309-700-1. Purpose.

This rule establishes criteria for financial assistance to public drinking water systems in accordance with Title 73, Chapter 10 b-c, Utah Code Annotated using funds made available by the Utah legislature from time to time for this purpose.

R309-700-2[350-1]. Statutory Authority.

The authority for the Department of Environmental Quality acting through the Drinking Water Board to issue loans to political subdivisions to finance all or part of drinking water project costs and to enter into "credit enhancement agreements", "interest buy-down agreements", and "Hardship Grants" is provided in Chapter 10b and 10c, Title 73, Utah Code Annotated 1953.

R309-700-3[350-2]. Definitions and Eligibility.

Title 73, Chapter 10b-6(1)(a) limits eligibility for financial assistance under this section to political subdivisions.

Definitions for terms used in this rule are given in R309-110.

[A. Board means the Drinking Water Board.

~~— B. Political Subdivision means any county, city, town, improvement district, metropolitan water district, water conservancy district, special service district, drainage district, irrigation district, separate legal or administrative entity created under the Interlocal Co-operation Act or any other entity constituting a political subdivision under the laws of Utah.~~

~~— C. Drinking Water Project means any work or facility necessary or desirable to provide water for human consumption and other domestic uses which has at least fifteen service connections or serves an average of twenty-five individuals daily for at least sixty days of the year and includes collection, treatment, storage, and distribution facilities under the control of the operator and used primarily with the system and collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.~~

~~— D. Project Costs include the cost of acquiring and constructing any project including, without limitation: the cost of acquisition and construction of any facility or any modification, improvement, or extension of such facility; any cost incident to the acquisition of any necessary property, easement or right of way, engineering or architectural fees, legal fees, fiscal agent's and financial advisors' fees; any cost incurred for any preliminary planning to determine the economic and engineering feasibility of a proposed project; costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications and the inspection and supervision of the construction of any facility; interest accruing on loans made under this program during acquisition and construction of the project; and any other cost incurred by the political subdivision, the Board or the Department of Environmental Quality, in connection with the issuance of obligation of the political subdivision to evidence any loan made to it under the law.~~

~~— E. Drinking Water Project Obligation means, as appropriate, any bond, note or other obligation of a political subdivision issued to finance all or part of the cost of acquiring, constructing, expanding, upgrading or improving a drinking water project.~~

~~— F. Credit Enhancement Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision for the purpose of providing methods and assistance to political subdivisions to improve the security for and marketability of drinking water project obligations.~~

~~— G. Interest Buy-Down Agreement means any agreement entered into between the Board, on behalf of the State, and a political subdivision, for the purpose of reducing the cost of financing incurred by a political subdivision on bonds issued by the subdivision for project costs.~~

~~— H. Financial Assistance means a project loan, credit enhancement agreement, interest buy-down agreement or hardship grant.~~

~~— I. Hardship Grant means a grant of monies to a political subdivision that meets the drinking water project loan considerations whose project is determined by the Board to not be economically feasible unless grant assistance is provided. A hardship grant may be authorized in the following forms:~~

~~— 1. A Planning Advance which will be required to be repaid at a later date, to help meet project costs incident to planning to determine the economic, engineering and financial feasibility of a proposed project.~~

— 2. A Design Advance which will be required to be repaid at a later date, to help meet project costs incident to design including, but not limited to, surveys, preparation of plans, working drawings, specifications, investigations and studies.

— 3. A Project Grant which will not be required to be repaid.]

R309-700-4[350-3]. Application and Project Initiation Procedures.

The following procedures must normally be followed to obtain financial assistance from the Board:

(1)[A-] It is the responsibility of the applicant to obtain the necessary financial, legal and engineering counsel to prepare an effective and appropriate financial assistance agreement, including cost effectiveness evaluations of financing methods and alternatives, for consideration by the Board.

(2)[B-] A completed application form, project engineering report as appropriate, and financial capability assessment are submitted to the Board. Comments from the local health department and/or district engineer shall accompany the application. Comments from other interested parties such as an association of governments will also be accepted.

(3)[C-] The staff prepares an engineering and financial feasibility report on the project for presentation to the Board.

(4)[D-] The Board "Authorizes" financial assistance for the project on the basis of the feasibility report prepared by the staff, designates whether a loan, credit enhancement agreement, interest buy-down agreement, hardship grant or any combination thereof, is to be entered into, and approves the project schedule (see R309-700-11[Section VIII]). The Board shall authorize a hardship grant only if it determines that other financing alternatives are unavailable or unreasonably expensive to the applicant. If the applicant seeks financial assistance in the form of a loan of amounts in the security account established pursuant to Chapter 10c, Title 73 "Utah Code Annotated" (1953), which loan is intended to provide direct financing of projects costs, then the Board shall authorize such loan only if it determines that credit enhancement agreements, interest buy-down agreements and other financing alternatives are unavailable or unreasonably expensive to the applicant or that a loan represents the financing alternative most economically advantageous to the state and the applicant; provided, that for purposes of this paragraph and for purposes of Section 73-10c-4(2), Utah Code Annotated (1953), the term "loan" shall not include loans issued in connection with interest buy-down agreements as described in R309-700-9(2)[Section VI.2 hereof] or in connection with any other interest buy-down arrangement.

(5)[E-] Planning Advance - The applicant requesting a Planning Advance must attend a preapplication meeting, complete an application for a Planning Advance, prepare a plan of study, satisfactorily demonstrate procurement of planning services, and prepare a draft contract for planning services including financial evaluations.

(6)[F-] Design Advance - The applicant requesting a Design Advance must have completed an engineering plan which meets program requirements.

(7)[G-] The project applicant must demonstrate public support for the project.

(8)[H-] For financial assistance mechanisms when the applicant's bond is purchased by the Board, the project applicant's bond documentation, including an opinion from legal counsel

experienced in bond matters that the drinking water project obligation is a valid and binding obligation of the applicant (see R309-700-12(3)[350-11-C]), must be submitted to the Assistant Attorney General for preliminary approval and the applicant shall publish a Notice of Intent to issue bonds in a newspaper of general circulation pursuant to the Utah Code Annotated 1953, Section 11-14-21. For financial assistance mechanisms when the applicant's bond is not purchased by the Board, the applicant shall submit a true and correct copy of an opinion from legal counsel experienced in bond matters that the drinking water project obligation is a valid and binding obligation of the applicant.

(9)[I-] Hardship Grant - The Board executes a grant agreement setting forth the terms and conditions of the grant.

(10)[J-] The Board issues a Plan Approval for plans and specifications and concurs in bid advertisement.

(11)[K-] If a project is designated to be financed by a loan or an interest buy-down agreement as described in R309-700-9(2)[Section VI-2], from the Board, to cover any part of project costs an account supervised by the applicant and the Board will be established by the applicant to assure that loan funds are used only for qualified project costs. If financial assistance for the project is provided by the Board in the form of a credit enhancement or interest buy-down agreement as described in R309-700-9(1)[Section VI-1] all project funds will be maintained in a separate account and a quarterly report of project expenditures will be provided to the Board.

(12)[L-] For a revenue bond a User Charge Ordinance must be submitted to the Board for review and approval to insure adequate provisions for debt retirement and/or operation and maintenance. For a general obligation bond, a User Charge Ordinance must be submitted to the Board for review and approval to insure the system will have adequate resources to provide acceptable service.

(13)[M-] A plan of operation, for the project after construction is complete, including adequate staffing with an operator, certified at the appropriate level in accordance with R309-301 in responsible charge, training, and start up procedures to assure efficient operation and maintenance of the facilities, must be submitted by the applicant and approved by the Board.

(14)[N-] The applicant's contract with its engineer must be submitted to the Board for review to determine that there will be adequate engineering involvement, including project supervision and inspection, to successfully complete the project.

(15)[O-] The applicant's attorney must provide an opinion to the Board regarding legal incorporation of the applicant, valid legal title to rights-of-way and the project site, and adequacy of bidding and contract documents.

(16)[P-] A position fidelity bond must be provided for the treasurer or other local staff handling the repayment funds and revenues produced by the applicant's system.

(17)[Q-] CREDIT ENHANCEMENT AGREEMENT AND INTEREST BUY-DOWN AGREEMENT ONLY - The Board issues the credit enhancement agreement or interest buy-down agreement setting forth the terms and conditions of the security or other forms of assistance provided by the agreement and notifies the applicant to sell the bonds (See R309-700-8 and -9[Section V and Section VI]).

(18)[R-] CREDIT ENHANCEMENT AGREEMENT AND INTEREST BUY-DOWN AGREEMENT ONLY - The applicant sells the bonds on the open market and notifies the Board of the

terms of sale. If a credit enhancement agreement is being utilized, the bonds sold on the open market shall contain the legend required by Section 73-10c-6(3)(d), Utah Code Annotated (1953). If an interest buy-down agreement is being utilized, the bonds sold on the open market shall bear a legend which makes reference to the interest buy-down agreement and states that such agreement does not constitute a pledge of or charge against the general revenues, credit or taxing powers of the state and that the holder of any such bond may look only to the applicant and the funds and revenues pledged by the applicant for the payment of interest and principal on the bonds.

~~(19)(S)~~ The applicant opens bids for the project.

~~(20)(T)~~ LOAN ONLY - The Board gives final approval to purchase the bonds and execute the loan contract (see R309-700-4(23)(Section W)).

~~(21)(U)~~ LOAN ONLY - The final closing of the loan is conducted.

~~(22)(V)~~ A preconstruction conference shall be held.

~~(23)(W)~~ The applicant issues a written notice to proceed to the contractor.

(24) The applicant must have in place a Water Management and Conservation Plan.

R309-700-5~~350-4~~. Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Consideration Policy.

~~(1)(A)~~ Board Priority Determination. In determining the priority for financial assistance the Board shall consider:

~~(a)(+)~~ The ability of the applicant to obtain funds for the drinking water project from other sources or to finance such project from its own resources;

~~(b)(2)~~ The ability of the applicant to repay the loan or other project obligations;

~~(c)(3)~~ Whether a good faith effort to secure all or part of the services needed from the private sector through privatization has been made; and

~~(d)(4)~~ Whether the drinking water project:

~~(i)(a)~~ meets a critical local or state need;

~~(ii)(b)~~ is cost effective;

~~(iii)(c)~~ will protect against present or potential hazards;

~~(iv)(d)~~ is needed to comply with the minimum standards of the Federal Safe Drinking Water Act, 42 USC, 300f, et. seq. or similar or successor statute;

~~(v)(e)~~ is needed to comply with the minimum standards of the Utah Safe Drinking Water Act, Title 19, Chapter 4 or similar or successor statute.

~~(e)(5)~~ The overall financial impact of the proposed project on the citizens of the community, including direct and overlapping indebtedness, tax levies, user charges, impact or connection fees, special assessments, etc., resulting from the proposed project, and anticipated operation and maintenance costs versus the median income of the community;

~~(f)(6)~~ Consistency with other funding source commitments which may have been obtained for the project;

~~(g)(7)~~ The point total from an evaluation of the criteria listed in Table 1;

TABLE 1

NEED FOR PROJECT	POINTS
1. PUBLIC HEALTH AND WELFARE (SELECT ONE)	
A. There is evidence that waterborne illnesses have occurred	15
B. There are reports of illnesses which may be waterborne	10
C. No reports of waterborne illness, but high potential for such exists	5
D. No reports of possible waterborne illness and low potential for such exists	0
2. WATER QUALITY RECORD (SELECT ONE)	
A. Primary Maximum Contaminant Level (MCL) violation more than 6 times in preceding 12 months	15
B. In the past 12 months violated a primary MCL 4 to 6 times	12
C. In the past 12 months violated a primary MCL 2 to 3 times or exceeded the Secondary Drinking Water Standards by double	9
D. In the past 12 months violated MCL 1 time	6
E. Violation of the Secondary Drinking Water Standards	5
F. Does not meet all applicable MCL goals	3
G. Meets all MCLs and MCL goals	0
3. VERIFICATION OF POTENTIAL SHORTCOMINGS (SELECT ONE)	
A. Has had sanitary survey within the last year	5
B. Has had sanitary survey within the last five years	3
C. Has not had sanitary survey within last five years	0
4. GENERAL CONDITIONS OF EXISTING FACILITIES (SELECT ALL THOSE WHICH ARE TRUE AND PROJECT WILL REMEDY)	
A. The necessary water treatment facilities do not exist, not functioning, functioning but do not meet the requirements of the Utah Public Drinking Water Rules (UPDWR)	10
B. Sources are not developed or protected according to UPDWR	10
C. Source capacity is not adequate to meet current demands and system occasionally goes dry or suffers from low pressures	10
D. Significant areas within distribution system have inadequate fire protection	8
E. Existing storage tanks leak excessively or are structurally flawed	5
F. Pipe leak repair rate is greater than 4 leaks per 100 connections per year	2
G. Existing facilities are generally sound and meeting existing needs	0
5. ABILITY TO MEET FUTURE DEMANDS (Select One)	
A. Facilities have inadequate capacity and cannot reliably meet current demands	10
B. Facilities will become inadequate within the next three years	5
C. Facilities will become inadequate within the next five to ten years	3

6. OVERALL URGENCY (Select One)

A. System is generally out of water. There is no fire protection or water for flushing toilets	10
B. System delivers water which cannot be rendered safe by boiling	10
C. System delivers water which can be rendered safe by boiling	8
D. System is occasionally out of water	5
E. Situation should be corrected, but is not urgent	0
TOTAL POSSIBLE POINTS FOR NEED FOR PROJECT	100

~~(h)[8-]~~ Other criteria that the Board may deem appropriate.

~~(2)[B-]~~ Drinking Water Board Financial Assistance Determination. The amount and type of financial assistance offered will be based on the following considerations:

~~(a)[+]~~ An evaluation based upon the criteria in Tables 2 and 3 of the applicant's financial condition, the project's impact on the community, and the applicant's commitment to operating a responsible water system.

The interest rate to be charged by the Board for its financial assistance will be computed using the number of points assigned to the project from Table 2 to reduce, in a manner determined by Board resolution from time to time, the most recent market yields for "A" rated, tax exempt, 20 year municipal revenue bonds. The interest rate so calculated will be assigned to the financial assistance. This interest rate may be further reduced, in a manner determined by Board resolution from time to time, by the ratio of the number of points assigned to the applicant's water system from Table 3 to the total points available.

For hardship grant consideration, exclusive of advances for planning and design, the estimated annual cost of drinking water service for the average residential user should exceed 1.75% of the median adjusted gross household income from the most recent available State Tax Commission records. The Board will also consider the applicant's level of contribution to the project.

TABLE 2

FINANCIAL CONSIDERATIONS

	POINTS
1. COST EFFECTIVENESS RATIO (SELECT ONE)	
A. Project cost \$0 to \$500 per benefitting connection	15
B. \$501 to \$1,500	12
C. \$1,501 to \$2,000	9
D. \$2,001 to \$3,000	6
E. \$3,001 to \$5,000	3
F. \$5,001 to \$10,000	1
G. Over \$10,000	0
2. PRIVATE SECTOR OR OTHER FUNDING, BUT NOT OWN CONTRIBUTION (SELECT ONE)	
A. A reasonable search for it has been made without success	10
B. Will provide greater than 50% of project cost	10
C. Will provide 25 to 49% of project cost	8
D. Will provide 10 to 24% of project cost	5
E. Will provide 1 to 9% of project cost	3
F. Has not been investigated	0

3. CURRENT LOCAL MEDIAN ADJUSTED GROSS INCOME (AGI) (SELECT ONE)

A. Less than 70% of State Median AGI	15
B. 71 to 90% of State Median AGI	12
C. 91 to 115% of State Median AGI	9
D. 116 to 135% of State Median AGI	6
E. 136 to 160% of State Median AGI	3
F. Greater than 161% of State Median AGI	0

4. APPLICANT'S COMMITMENT TO PROJECT

4A. PROJECT FUNDING CONTRIBUTED BY APPLICANT (SELECT ONE)

a. Greater than 25% of project funds	15
b. 10 to 25% of project funds	12
c. 5 to 9% of project funds	9
d. 2 to 4% of project funds	6
e. Less than 2% of project funds	0

4B. RESIDENTS ARE WILLING TO (AND IT IS CONFIRMED BY RESIDENTS) INCREASE WATER BILL BY (SELECT ONE)

a. Greater than \$10.00 per month per connection	15
b. \$5.01 to \$10.00 per month per connection	11
c. \$2.51 to \$5.00 per month per connection	7
d. \$1.00 to \$2.50 per month per connection	3
e. Less than \$1.00 per month per connection	0

5. ABILITY TO REPAY LOAN

5A. WATER BILL (INCLUDING TAXES) AFTER PROJECT IS BUILT RELATIVE TO LOCAL MEDIAN ADJUSTED GROSS INCOME (SELECT ONE)

a. Greater than 2.50% of local median AGI	15
b. 2.01 to 2.50% of local median AGI	11
c. 1.51 to 2.00% of local median AGI	7
d. 1.01 to 1.50% of local median AGI	3
e. 0 to 1.00% of local median AGI	0

5B. TOTAL DEBT LOAD (PRINCIPAL ONLY) OF APPLICANT AFTER PROJECT IS CONSTRUCTED (INCLUDING WATER AND SEWER DEBT, LIGHTING DEBT, SCHOOL DEBT, ETC.) (SELECT ONE)

a. Greater than 12% of fair market value	15
b. 8.1 to 12% of fair market value	12
c. 4.1 to 8.0% of fair market value	9
d. 2.1 to 4.0% of fair market value	6
e. 1.0 to 2.0% of fair market value	3
f. Less than 1% of fair market value	0

TOTAL POSSIBLE POINTS FOR FINANCIAL NEED 100

TABLE 3

SPECIAL INCENTIVES

	POINTS
1. Applicant has secured adequate protection zones for all existing drinking water sources	5
2. Applicant has developed a master plan to guide water system growth in the next 20 years	5
3. Applicant has an established replacement fund	5
4. Project will create a new regionalization plan or maintain integrity of existing regionalization plan	5
5. Applicant has established a backflow prevention program	5
6. Applicant has established a rate structure to encourage water conservation	5
7. Project is necessary because of unforeseen circumstances	5

8. Applicant has a written emergency response plan	5
TOTAL POSSIBLE POINTS FOR SPECIAL INCENTIVES	40

- (b)[2-] Optimizing return on the security account while still allowing the project to proceed.
- (c)[3-] Local political and economic conditions.
- (d)[4-] Cost effectiveness evaluation of financing alternatives.
- (e)[5-] Availability of funds in the security account.
- (f)[6-] Environmental need.
- (g)[7-] Other criteria the Board may deem appropriate.

R309-700-6[350-5]. Planning Advance.

- (1)[A-] A Planning advance can only be made to a political subdivision which demonstrates a financial hardship which prevents the completion of project planning.
- (2)[B-] A Planning Advance is made to a political subdivision with the intent to provide interim financial assistance for project planning until the long-term project financing can be secured. Once the long-term project financing has been secured, the Planning Advance must be expeditiously repaid to the Board.
- (3)[C-] The applicant must demonstrate that all funds necessary to complete project planning will be available prior to commencing the planning effort. The Planning Advance will be deposited with these other funds into a supervised escrow account at the time the grant agreement between the applicant and the Board is executed.
- (4)[D-] Failure on the part of the recipient of a Planning Advance to implement the construction project may authorize the Board to seek repayment of the Advance on such terms and conditions as it may determine.
- (5)[E-] The recipient of a Planning Advance must first receive written approval for any cost increases or changes to the scope of work.

R309-700-7[350-6]. Design Advance.

- (1)[A-] A Design Advance can only be made to a political subdivision which demonstrates a financial hardship which prevents the completion of project design.
- (2)[B-] A Design Advance is made to a political subdivision with the intent to provide interim financial assistance for the completion of the project design until the long-term project financing can be secured. Once the long-term project financing has been secured, the Project Design Advance must be expeditiously repaid to the Board.
- (3)[C-] The applicant must demonstrate that all funds necessary to complete the project design will be available prior to commencing the design effort. The Design Advance will be deposited with these other funds into a supervised escrow account at the time the grant agreement between the applicant and the Board is executed.
- (4)[D-] Failure on the part of the recipient of a Design Advance to implement the construction project may authorize the Board to seek repayment of the Advance on such terms and conditions as it may determine.
- (5)[E-] The recipient of a Design Advance must first receive written approval for any cost increases or changes to the scope of work.

R309-700-8[350-7]. Credit Enhancement Agreements.

The Board will determine whether a project may receive all or part of a loan, credit enhancement agreement or interest buy-down agreement subject to the criteria in R309-700-5[Section IV]. To provide security for project obligations the Board may agree to purchase project obligations of applicants or make loans to the applicants to prevent defaults in payments on project obligations. The Board may also consider making loans to the applicants to pay the cost of obtaining letters of credit from various financial institutions, municipal bond insurance, or other forms of insurance or security for project obligations. In addition, the Board may consider other methods and assistance to applicants to properly enhance the marketability of or security for project obligations.

R309-700-9[350-8]. Interest Buy-Down Agreements.

- Interest buy-down agreements may consist of:
- (1)[+] A financing agreement between the Board and applicant whereby a specified sum is loaned or granted to the applicant to be placed in a trust account. The trust account shall be used exclusively to reduce the cost of financing for the project.
 - (2)[2-] A financing agreement between the Board and the applicant whereby the proceeds of bonds purchased by the Board is combined with proceeds from publicly issued bonds to finance the project. The rate of interest on bonds purchased by the Board may carry an interest rate lower than the interest rate on the publicly issued bonds, which when blended together will provide a reduced annual debt service for the project.
 - (3)[3-] Any other legal method of financing which reduces the annual payment amount on locally issued bonds. After credit enhancement agreements have been evaluated by the Board and it is determined that this method is not feasible or additional assistance is required, interest buy-down agreements and loans may be considered. Once the level of financial assistance required to make the project financially feasible is determined, a cost effective evaluation of interest buy-down options and loans must be completed. The financing alternative chosen should be the one most economically advantageous for the state and the applicant.

R309-700-10[350-9]. Loans.

The Board may make loans to finance all or part of a drinking water project only after credit enhancement agreements and interest buy-down agreements have been evaluated and found either unavailable or unreasonably expensive. The financing alternative chosen should be the one most economically advantageous for the state and its political subdivisions.

R309-700-11[350-10]. Project Authorization (Reference R309-700-4(4)[Section III-D]).

A project may be "Authorized" for a loan, credit enhancement agreement, interest buy-down agreement, or hardship grant in writing by the Board following submission and favorable review of an application form, engineering report (if required), financial capability assessment and Staff feasibility report. The engineering report must include the preparation of a cost effective analysis of feasible project alternatives capable of meeting State and Federal drinking water requirements. It shall include consideration of monetary costs including the present worth or equivalent annual

value of all capital costs, operation, maintenance, and replacement costs. The alternative selected must be the most economical means of meeting applicable State and Federal drinking water requirements over the useful life of the facility while recognizing environmental and other nonmonetary considerations. If it is anticipated that a project will be a candidate for financial assistance from the Board, the Staff should be contacted, and the plan of study for the engineering report (if required) should be approved before the planning is initiated.

Once the application form, plan of study, engineering report, and financial capability assessment are reviewed, the staff will prepare a project feasibility report for the Board's consideration in Authorizing a project. The project feasibility report will include a detailed evaluation of the project with regard to the Board's funding priority criteria, and will contain recommendations for the type of financial assistance which may be extended (i.e., for a loan, credit enhancement agreement, interest buy-down agreement, or hardship grant).

Project Authorization is not a contractual commitment and is conditioned upon the availability of funds at the time of loan closing or signing of the credit enhancement, interest buy-down, or grant agreement and upon adherence to the project schedule approved at that time. If the project is not proceeding according to the project schedule the Board may withdraw the project Authorization so that projects which are ready to proceed can obtain necessary funding. Extensions to the project schedule may be considered by the Board, but any extension requested must be fully justified.

R309-700-12[350-11]. Financial Evaluations.

(1)[A-] The Board considers it a proper function to assist and give direction to project applicants in obtaining funding from such State, Federal or private financing sources as may be available to achieve the most effective utilization of resources in meeting the needs of the State. This may also include joint financing arrangements with several funding agencies to complete a total project.

(2)[B-] Hardship Grants will be evidenced by a grant agreement.

(3)[C-] In providing any form of financial assistance in the form of a loan, the Board may purchase bonds of the applicant only if the bonds are accompanied by a legal opinion of recognized municipal bond counsel to the effect that the bonds are legal and binding under applicable Utah law (including, if applicable, the Utah Municipal Bond Act). For bonds of \$150,000 or less the Board will not require this opinion.

(a)[1-] In providing any form of financial assistance in the form of a loan, the Board may purchase either a taxable or non-taxable bonds; provided that it shall be the general preference of the Board to purchase bonds issued by the applicant only if the bonds are tax exempt and are accompanied by a legal opinion of recognized municipal bond counsel to the effect that interest on the bonds is exempt from federal income taxation. Such an opinion must be obtained by the applicant in the following situations:

(i)[a-] Bonds which are issued to finance a project which will also be financed in part at any time by the proceeds of other bonds which are exempt from federal income taxation.

(ii)[b-] Bonds which are not subject to the arbitrage rebate provisions of Section 148 of the Internal Revenue Code of 1986 (or

successor provision of similar intent), including, without limitation, bonds covered by the "small governmental units" exemption contained in Section 148(f)(4)(c) of the Internal Revenue Code of 1986 (or any successor provision of similar intent) and bonds which are not subject to arbitrage rebate because the gross proceeds from the loan will be completely expended within six months after the issuance of such bonds.

(b)[2-] In any other situations, the Board may purchase taxable bonds if it determines, after evaluating all relevant circumstances including the applicant's ability to pay, that the purchase of the taxable bonds is in the best interests of the State and applicant.

(c)[3-] If more than 25 percent of the project is to serve industry, bond counsel must evaluate the loan to ensure the tax exempt status of the loan fund.

(d)[4-] Revenue bonds purchased by the Board shall be secured by a pledge of water system revenues, and it is the general policy of the Board that the pledge of water revenues for the payment of debt service (principal and/or interest) on a particular revenue bond be on a parity with the pledge of those water revenues as security for the debt service payments on all other bonds or other forms of indebtedness which are secured by the water revenues.

(4)[D-] The Board will consider the financial feasibility and cost effectiveness evaluation of the project in detail. The financial capability assessment must be completed as a basis for the review. The Board will generally use these reports to determine whether a project will be Authorized to receive a loan, credit enhancement agreement, interest buy-down agreement, or hardship grant (Reference R309-700-8, -9 and -10[Sections V, VI and VII]). If a project is Authorized to receive a loan, the Board will establish the portion of the construction cost to be included in the loan and will set the terms for the loan. The Board will require the applicants to repay the loan as rapidly as is reasonably consistent with the financial capability of the applicant. It is the Board's intent to avoid repayment schedules which would exceed the design life of the project facilities.

(5)[E-] Normal engineering and investigation costs incurred by the Department of Environmental Quality or Board during preliminary project investigation and prior to Board Authorization will not become a charge to the applicant if the project is found infeasible, denied by the Board, or if the applicant withdraws the Application prior to the Board's Authorization. If the credit enhancement agreement or interest buy-down agreement does not involve a loan of funds from the Board, then administrative costs will not be charged to the project. However, if the project is Authorized to receive a loan or grant of funds from the Board, all costs from the beginning of the project will be charged to the project and paid by the applicant as a part of the total project cost. If the applicant decides not to build the project after the Board has Authorized the project, all costs accruing after the Authorization will be reimbursed by the applicant to the Board.

(6)[F-] The Board shall determine the date on which the scheduled payments of principal and interest will be made. In fixing this date, all possible contingencies shall be considered, and the Board may allow the system user one year of actual use of the project facilities before the first repayment is required.

(7)[G-] The applicant shall furnish the Board with acceptable evidence that the applicant is capable of paying its share of the construction costs during the construction period.

~~(8)(H)~~ **LOANS AND INTEREST BUY-DOWN AGREEMENTS ONLY** - The Board may require, as part of the loan or interest buy-down agreement, that any local funds which are to be used in financing the project be committed to construction prior to or concurrent with the committal of State funds.

~~(9)(F)~~ The Board will not forgive the applicant of any payment after the payment is due.

~~(10)(F)~~ The Board will require a debt service reserve account be established by the applicant at or before the loan is closed. Deposits to that account shall be made at least annually in the amount of one-tenth of the annual payment on the bond(s) purchased by the Board and shall continue until the total amount in the debt service reserve fund is equal to the annual payment. The debt service reserve account shall be continued until the bond is retired. Annual reports/statements will be required. Failure to maintain the reserve account will constitute a technical default on the bond(s) and may result in penalties being assessed. Annual reports/statements will be required.

~~(11)(K)~~ The Board will require a capital facilities replacement reserve account be established at or before the loan is closed. Deposits to that account shall be made at least annually in the amount of five percent (5%) of the applicant's annual drinking water system budget, including depreciation, unless otherwise specified by the Board at the time of loan authorization, until the loan is repaid. This fund shall not serve as security for the payment of principal or interest on the loan. The applicant shall adopt such resolutions as necessary to limit the use of the fund to construct capital facilities for its water system and to notify the Board prior to making any disbursements from the fund so the Board can confirm that any expenditure is for an acceptable purpose. The applicant will not need the consent of the Board prior to making any expenditure from the fund. Failure to maintain the reserve account will constitute a technical default on the bond(s) and may result in penalties being assessed. Annual reports/statements will be required.

~~(12)(L)~~ If the Board is to purchase a revenue bond, the Board will require that the applicant's water rates be established such that sufficient net revenue will be raised to provide at least 125% (or such other amount as the Board may determine) of the total annual debt service.

R309-700-13~~(350-12)~~. Committal of Funds and Approval of Agreements.

After the Board has approved the plans and specifications by the issuance of a Plan Approval and has received the appropriate legal documents and other items listed on the financial assistance checklist, the loan will be considered by the Board for final approval. The Board will determine whether the project loan, interest buy-down agreement or grant agreement is in proper order on the basis of the previous authorization. The Executive Secretary may then close the loan or credit enhancement agreement if obligations to the Board or other aspects of the project have not changed significantly since the Board's authorization of the loan or credit enhancement, provided all conditions imposed by the Board have been met. If significant changes have occurred the Board will then review the project and, if satisfied, the Board will then commit

funds, approve the signing of the contract, credit enhancement agreement, interest buy-down agreement, or grant agreement, and instruct the Executive Secretary to submit a copy of the signed contract or agreement to the Division of Finance.

R309-700-14~~(350-13)~~. Construction.

The Division of Drinking Water staff may conduct inspections and will report to the applicant. Contract change orders must be properly negotiated with the contractor and approved in writing. Change orders in excess of \$10,000 must receive prior written approval by the Executive Secretary before execution. Upon successful completion of the project and recommendation of the applicant's engineer, the applicant will request the Executive Secretary to conduct a final inspection. When the project is complete to the satisfaction of the applicant's engineer, the Executive Secretary and the applicant, written approval will be issued by the Executive Secretary to commence using the project facilities.

KEY: loans, interest buy-down, credit enhancement, hardship grant

~~[March 22, 1996]~~2000

73-10b

Notice of Continuation October 31, 1997

73-10c



Human Services, Child and Family Services
R512-1
Description of Division Services, Eligibility, and Service Access

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22876

FILED: 05/17/2000, 16:04

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To establish division policy consistent with legislative changes (H.B. 103) to Sections 62A-4a-602 and 78-30-9.

(DAR Note: H.B. 103 is found at 2000 Utah Laws 208, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Establishes priority for legally married couples for foster care children in the custody of the division and prohibiting foster care by unmarried couples who are cohabiting.

(DAR Note: A 120-day (emergency) rule that is effective as of May 1, 2000, was published in the May 15, 2000, issue of the *Utah State Bulletin* under DAR No. 22814.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-602 and 78-30-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule may result in fewer applications for foster care with the division to process and may result in minor savings. Overall budget impact is neutral.

❖LOCAL GOVERNMENTS: After careful analysis, there is no impact on local government because the rule does not affect local governments.

❖OTHER PERSONS: Following careful review of potential costs to the public, or businesses, the agency has not identified any other persons who incur costs or realize savings as a result of this rule. Only individuals who apply to be foster parents for the division are affected by this rule, and these foster parents should not incur any costs. The only exception would be the cost if a person who applies to be a foster parent asks for an administrative hearing based on this rule. They could represent themselves or hire an attorney to represent them. Persons who do not apply to be foster parents will not incur any costs as a result of this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule has no compliance costs for any person. The only exception would be if a person who applies to be a foster parent asks for an administrative hearing based on this rule. They could represent themselves or hire an attorney to represent them. There are no compliance costs incurred by persons who are not foster parents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After careful analysis of any possible impact on businesses, the department has concluded that there will not be any impact.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Child and Family Services
Room 225, Human Services Building
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at hsadmin1.sbradfor@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Ken Patterson, Director

R512. Human Services, Child and Family Services.
R512-1. Description of Division Services, Eligibility, and Service Access.

.....

R512-1-5. Out-of-Home Care Services.

A. The following definitions apply to this section:

1. Cohabiting means residing with another person and being involved in a sexual relationship.

2. Involved in a sexual relationship means any sexual activity and conduct between persons.

3. Residing means living in the same household on an uninterrupted or an intermittent basis.

[A]B. Foster Care and Group Care. Child placement services may be provided when parents are unable to meet their children's needs within the family. The Division has authority to place a child when the state has been granted custody through a court order, or when a voluntary agreement has been signed by the parents, or when the child is from another state and is covered by the Interstate Compact for the Placement of Children. The intent of foster or group care is to insure a permanent home for each child. This may be achieved through a return to the home, or through adoption, emancipation, guardianship, or permanent foster care services. A Permanency Plan for each foster child, defining the goal and steps to be taken to achieve permanency, shall be formulated. Periodic reviews shall be held at least once every six months to assess progress achieved within the Permanency Plan, and to project a likely date for returning the youth to the family home or to another permanent home arrangement. A dispositional hearing shall be held every 18 months from date of placement to determine the future status of the child. Foster care shall be provided in licensed family homes. A foster parent or foster parents must complete a declaration of compliance with Section 78-30-9(3)(a and b)that they are not cohabiting with another person in a sexual relationship. Beginning May 1, 2000, the division gives priority for foster care placements to families in which both a man and a woman are legally married or valid proof that a court or administrative order has established a valid common law marriage, Section 30-1-4.5. An individual who is not cohabiting may also be a foster parent if the Region Director determines it is in the best interest of the child. Legally married couples and individuals who are not cohabiting and are blood relatives of the child in the divisions' custody may be foster parents pursuant to Section 78-3a-307(5). Group care shall be provided in licensed facilities which offer a more structured treatment environment than a family home. Foster homes are licensed in accordance with R501-12. Residential Treatment Programs, also known as group homes, are licensed in accordance with R501-2 and R501-3-3.

1. Access. Referrals can be made from Protective Services or from Juvenile Court and other agencies. Parents can request placement services by contacting the local DFS Office. Referrals for foster or group care may be screened to determine whether placement is the best option. In most cases, services which are intended to prevent placement must be first provided, before foster or group care will be considered by the Division.

2. Eligibility. Temporary child custody must be given to the State by court order, or by voluntary agreement, and most parents shall be obligated to pay support while their child is in foster care. Youth can be served in foster or group care until age 18, or until age 21 when ordered by the court.

[B]C. Independent Living. Services may be given to older teenage foster children to teach self-sufficiency skills in order to

increase their ability to be self-reliant in the future. Some who do not return to living with their parents upon leaving foster care will be allowed to live on their own. All foster children age 16 and older shall be required to be working toward at least one objective in developing independent living skills in their Permanency Plans.

- 1. Access. Access shall be given only by a referral from the foster care worker.
- 2. Eligibility. Foster children who are at least 16 years old and who are in custody of the State shall be eligible.

[E]D. Adoption. This service provides adoptive homes for children in custody of the State who are legally available because the birth parents have been permanently deprived of parental rights by court action, or who have voluntarily relinquished their children for adoption. The choice of an adoptive home is based on the best interests of the child. When the children placed for adoption are hard to place because of their special needs, a subsidy payment can be approved to enable adoptions by a family needing assistance in caring for the child. Independent adoption home studies shall be completed only by direct order of a District Court.

- 1. Access. Access is available only by a referral from foster care staff. Adults wishing to adopt a child may apply to their local DCFS Office for consideration. Receipt of applications can be suspended by a local office based on the number of approved homes waiting for a placement and the number of children available.

2. Eligibility. To be eligible, the child must be in custody of the State, be legally freed for adoption, and the Division must determine that adoption is the best Permanency option for the child. Persons approved to be adoptive parents must meet certain standards before approval. Application and placement fees may be charged, or may be waived for families adopting a hard-to-place child. Fees, based on a sliding fee schedule, shall be charged for home studies sent to the U.S. Immigration Service and for completed Independent Adoption Home Studies. Authorization of subsidies for hard-to-place children shall be determined by the Division which shall assess the resources of the adoptive family to meet the child's need for maintenance or treatment.

[D]E. Provider Services. Persons applying to be foster or emergency care parents shall be given information and a home study will be completed. For those approved as meeting program standards, basic training will be provided, as well as any additional training which may be required for some types of care. Annual reapproval is required.

- 1. Access. Persons interested in becoming foster parents or who wish to provide emergency care, such as shelter care, may apply to their local DCFS Office.
- 2. Eligibility. Any adult may apply for consideration. Persons approved to be providers must meet certain standards of the Division before approval is granted.

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KEY: social services, child welfare, domestic violence, eligibility*
[1992]2000 **62A-4a-105**
Notice of Continuation December 15, 1997



Human Services, Child and Family Services

R512-41

Qualifying Adoptive Families and Adoption Placement

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22877
FILED: 05/17/2000, 16:04
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish division policy consistent with legislative changes (H.B. 103) to Sections 62A-4a-602 and 78-30-9.

(DAR Note: H.B. 103 is found at 2000 Utah Laws 208, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Establishes priority for legally married couples for adopting children in the custody of the division and prohibiting adoption by unmarried couples who are cohabiting.

(DAR Note: A 120-day (emergency) rule that is effective as of May 1, 2000, was published in the May 15, 2000, issue of the *Utah State Bulletin* under DAR No. 22815.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62-4a-602 and 78-30-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule may result in fewer application for adoption for the division to process and may result in minor savings. The cost to process an adoption application is approximately \$400. Overall budget impact is neutral.

❖LOCAL GOVERNMENTS: After careful analysis, there is no impact on local governments because the rule does not affect local governments.

❖OTHER PERSONS: Only individuals who apply to adopt children in the custody of the division are affected by this rule. The division does not charge any fees for adopting these children. No other persons have been identified who will incur costs as a result of this rule. The only exception would be the cost if a person who applies to be an adoptive parent asks for an administrative hearing based on this rule. They could represent themselves or hire an attorney to represent them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons who otherwise might have used the services of the division to adopt might instead go to private adoption agencies, which will receive additional clients. There is no charge for an adoption through the division. Private adoption costs approximately \$5,000 to \$10,000. The only exception would be the cost if a person who applies to be an adoptive parent asks for an administrative hearing based on this rule. They could represent themselves or hire an attorney to represent them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Private adoption agencies will receive additional clients who otherwise might have used the services of the division.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT: Human Services Child and Family Services Room 225, Human Services Building 120 North 200 West Salt Lake City, UT 84103, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at hsadmin1.sbradfor@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Ken Patterson, Director

R512. Human Services, Child and Family Services. R512-41. Qualifying Adoptive Families and Adoption Placement.

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R512-41-2. Definitions.

A. For the purpose of this rule the following definitions apply: 1. Adoptive Parent(s) means a family or individual who completes Division training for prospective adoptive parent(s) and is approved by a licensed child placement agency or by the Division.

2. Cohabiting means residing with another person and being involved in a sexual relationship.

3. Involved in a sexual relationship means any sexual activity and conduct between persons.

[2]4. Permanency means the establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present and future.

5. Residing means living in the same household on an uninterrupted or an intermittent basis.

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R512-41-4. Adoption Assessment Requirements.

A. An adoption assessment must be consistent with the standards of the Child Welfare League of America (the assessment may be done by a licensed child placement agency or the Division) and must include the following:

- 1. an autobiography of prospective adoptive parent(s) and family members;
- 2. a behavioral assessment of parent(s) and children living at home;
- 3. a declaration that applicants are not cohabiting in a relationship that is not a legal marriage and in compliance with Section 78-30-9(3)(a and b)[a verification that adults present in the home are legally related to parent(s) by blood or adoption or legal marriage;]
- 4. a health status verification of parent(s) and children living at home;
- 5. a verification of financial status;
- 6. an assessment of home safety and health;
- 7. A criminal background check of all adults present in the home;
- 8. a screening of all adults present in the home against the child abuse data base;
- 9. an assessment of prospective adoptive parent(s) parenting skills;
- 10. recommendation of the types of children that may be appropriate for the prospective adoptive parent(s).

R512-41-5. Matching the Child and the Adoptive Parent(s).

A. In the matching process, the selection of adoptive parent(s) will be in the best interest of the child.

B. The decision must be based on a thorough assessment of the child's current and potential development, medical, emotional, and educational needs.

C. The capacity of the prospective adoptive parent(s) to successfully meet the child's needs and to love and accept the child as a fully integrated member of the family must be considered.

D. The child's preference may be considered, if the child has the capacity to express a preference.

E. When possible and appropriate, sibling groups should not be separated.

F. Foster care parent(s)(or other care giver with physical custody) of the child may be given preferential consideration for adoption if the child has substantial emotional ties with the foster parent(s)/care giver and if removal of the child from the foster parent(s)/care giver would be detrimental to the child's well-being.

G. Geographic boundaries alone should not present barriers or delays to the selection of adoptive parent(s).

H. The Indian Welfare Act (Public Law 95-608) takes precedent for an adoption of an Indian child who is a member of a federally recognized tribe or Alaskan native village.

I. Placements will be made in accordance with the Interethnic Adoption Act, 42 USC 1996b.

J. The division observes the following priorities for adoption of children in the division's custody:

- 1. Beginning May 1, 2000, the division gives priority for adoptive placements to families in which both a man and a woman are legally married under the laws of this state or valid proof that a court or administrative order has established a valid common law marriage as specified in Section 30-1-4.5. An individual who is not cohabiting may also be considered as an adoptive parent, if the Region Director determines it is in the best interest of the child.

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R512-41-11. Adult Adoptee or Adoptive Parent(s) Request for Records.

A. The adoption records of the Division shall be made available to the adoptive parent(s) or adult adoptee upon written request in accordance with the Government Records Access Management Act, [~~Section 63-2-1~~]Title 63, Chapter 2. An adult adoptee may also register with the Utah Department of Health Adoption Registry, Section 78-30-18.

KEY: child welfare, adoption
~~[September 1, 1999]2000~~

62A-4a-105
62A-4a-205.6



Natural Resources, Wildlife Resources
R657-5
Taking Big Game

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22880
FILED: 05/22/2000, 16:58
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing permit numbers for antlerless big game species.

SUMMARY OF THE RULE OR CHANGE: A section of this rule is being amended to clarify the number of people that may apply as a group in the antlerless drawing. Several provisions are being amended to provide clarification of the application procedures and requirements, and drawing procedures for obtaining permits for antlerless species. In addition, other technical changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** This amendment clarifies the procedures and requirements for obtaining big game antlerless permits. Therefore, the amendments do not create a cost or savings impact to the state budget or the Division of Wildlife Resources' (DWR) budget. However, the DWR will be keeping the \$5 handling fee on late applications to process the late application for the purpose of entering the data into the DWR's draw database. However, the late application will not be considered in the drawing, and the person applying will not receive a refund with the handling fee included.

❖**LOCAL GOVERNMENTS:** None--this filing does not create any direct cost or saving impact to local governments because they are not directly affected by the rule. Nor are local

governments indirectly impacted because the rule does not create a situation requiring services from local governments.
❖**OTHER PERSONS:** The amendments clarify the procedures and requirements for obtaining big game antlerless permits. The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A person applying for a big game antlerless permit through the drawing, and who submits a late application, will not receive a refund with the handling fee included. The \$5 handling fee will be used to process the late application for the purpose of entering the data into the DWR's draw database. However, the late application will not be considered in the drawing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-29. Applying as a Group.

(1)(a) Up to four people may apply together for deer, elk or pronghorn permits in the bucks, bulls and once-in-a-lifetime drawing and in the antlerless drawing.

(b) Up to four people may apply together for general elk permit in the general buck deer and general muzzleloader elk drawing.

(c) Up to ten people may apply together for general deer permits in the general buck deer and general muzzleloader elk drawing.

(2) Applicants must indicate the number of hunters in the group by filling in the appropriate box on each application form.

(3) Group applicants must submit their applications together in the same envelope.

(4) Residents and nonresidents may apply together.

(5)(a) Group applications shall be processed as one single application.

(b) Any bonus points used for a group application, shall be averaged and rounded down.

(6) When applying as a group:

(a) if the group is successful in the drawing, then all applicants with valid applications in that group shall receive a permit;

(b) if the group is rejected due to an error in fees and only one species is applied for, then the entire group is rejected;

(c) if the group is rejected due to an error in fees and more than one species is applied for, the group will be kept in the drawing for any species with sufficient fees, using the draw order; or

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be kept in the drawing, unless the group indicates on the application that all members are to be rejected.

(i) The applicant whose application is on the top of all the applications for that group, will be designated the group leader.

(ii) If any group member has an error on their application that is not corrected during the correction process, the reject box on the group leader's application will determine whether the entire group is rejected.

R657-5-59. Antlerless Application - Deadlines.

(1) Applications are available from license agents and division offices.

(2) Residents may apply for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose.

(3) Nonresidents may apply in the drawing for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and

(d) antlerless moose, if permits are available during the current year.

(4) Any person who has obtained any elk permit, a pronghorn permit, or a moose permit may not apply for an antlerless elk permit, doe pronghorn permit, or antlerless moose permit, respectively, except as provided in Section R657-5-63.

(5) A person may not submit more than one application in the initial drawing per each species as provided in Subsections (2) and (3).

(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-61(3) and R657-5-63(4).

~~(7)~~(7) A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit. The Wildlife Habitat Authorization number or the fee must be submitted with the application.

~~(7)(a)~~(8)(a) Applications must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking

big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected.~~[Late applications may be returned unopened.]~~

(b) If an error is found on an application, the applicant may be contacted for correction.

(9)(a) Late applications will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw data base to provide:

(i) future pre-printed applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of division or third-party errors.

(b) The \$5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

~~(10)~~(8) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

(11) To apply for a resident permit, a person must establish residency at the time of purchase.

(12) The posting date of the drawing shall be considered the purchase date of a permit.

R657-5-60. Fees for Antlerless Applications.

(1) Each application must include:

- (a) the permit fee for each species applied for;
- (b) a \$5 nonrefundable handling fee for each species applied for; and
- (c) the Wildlife Habitat Authorization fee, if it has not yet been purchased.

(2)(a) Personal checks, money orders, cashier's checks and credit cards are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) All payments must be made payable to the Utah Division of Wildlife Resources.

(3)(a) Credit cards must be valid at least 30 days after the drawing results are posted.

(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

(c) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

(d) Payments to correct an invalid or refused credit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.

~~(4)(a)~~ An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(b) The division shall charge a returned check collection fee for any check returned unpaid.

(5) A license or permit received by a person shall be deemed invalid if payment for that license or permit is not received, or a

check is returned unpaid from the bank, or the credit card is invalid or refused.

(6) Any fee errors must be corrected with a money order or cashier's check through the application correction process.

R657-5-61. Antlerless Big Game Drawing.

(1) The antlerless drawing results are posted at the Lee Kay Center, Cache Valley Hunter Education Center[~~and~~], division offices and on the division Internet address on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) Permits are drawn in the order listed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

R657-5-63. Drawing for Remaining Antlerless Permits and Over-the-counter Permit Sales After the Antlerless Drawings.

(1) The list of remaining permits will be available by the date provided in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) Residents and nonresidents may apply for, and draw any of the following remaining permits, except as provided in Subsection (3):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose.

(3) Any person who has obtained:

- (a) an antlerless deer permit may not apply for an antlerless deer permit;
- (b) two elk permits may not apply for an antlerless elk permit;
- (c) a pronghorn permit may not apply for a doe pronghorn permit; or
- (d) a moose permit may not apply for an antlerless moose permit.

(4) Residents and nonresidents may apply for any remaining permits.

(5) The same application form used for the antlerless drawing must be used when applying for remaining permits. The handling fees are nonrefundable.

(6) Applications for remaining permits must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected.

(7) Applicants who apply for remaining permits will not be provided an opportunity to correct a rejected or invalid application on the drawing for remaining antlerless permits.

(8) The drawing results for remaining antlerless permits will be posted at the Lee Kay Center, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the Antlerless Addendum to the Bucks, Bulls and

Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(9) Permits remaining after both drawings will be sold over-the-counter, in person, or through the mail, on a first-come, first-served basis only at the Salt Lake Division office beginning on the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

KEY: wildlife, game laws, big game seasons*

[February 1,]2000	23-14-18
Notice of Continuation June 23, 1997	23-14-19
	23-16-5
	23-16-6



Transportation, Motor Carrier

R909-75

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22912

FILED: 06/01/2000, 10:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To adopt changes made in the materials incorporated by reference. These changes are mainly requirements of registration for carriers shipping or hauling hazardous materials in a quantity requiring placarding; hose and emergency control shut off valves for MC330 and MC331 inspections and record keeping requirements; editorial changes, making corrections in the hazardous material table and adding materials in the hazardous substance table; specifying unloading procedures for liquified compressed gases and anhydrous ammonia; and adding appendices to Part 180 for tests on hoses and emergency control shut off valves.

SUMMARY OF THE RULE OR CHANGE: Part 107.601 registration applicability is changed to include those that offer for transportation a hazardous material requiring placarding, except section (a)(6) does not apply to activities of farmers as defined in 171.8 in direct support of the farmer's farming operations. The term shipment means offering or loading of hazardous materials at one loading facility using one transport vehicle, or the transport of that transport vehicle; 107.608, those needed to register 171.5 provisions initially adopted as a temporary measure are removed. Operators of cargo tanks marked in accordance with 171.5(b) should remove the markings as expeditiously as possible; 171.7, updated reference materials; 171.8, adding new definition for "Metered delivery service"; 172.101 entries are corrected and

"Compounds, tree killing liquid or Compounds, weed killing Liquid" have a "g" in Column (1), "hydrocarbon gas mixture, compressed, n.o.s, and hydrocarbon gas mixture, liquefied, n.o.s" the "G" is removed from Column 1; 172.101 entries Dichlorofluoromethane or Refrigerant gas R12" is revised to read "R21," "Nitrous oxide, refrigerated liquid" in column 6 is revised to read "2.2, 5.1," Paint or paint related materials, in column 8B, the references 202 and 203 are removed and the reference 173 is added; 172.203(k)(1) and (m)(2) are removed; 172.101, changes to the hazardous substance table; 173.28, exceptions that allow replacing a removable gasket or closure device on UN1H1 does not constitute reconditioning; 173.150(c), grammatical error is corrected; 173.315(k) rewritten for clarity, sets forth requirements that must be met for use of nonspecification cargo tanks to transport LPG (liquefied petroleum gas), including an exception from requirements where the provisions of pamphlet 58 are inconsistent with Parts 178 and 180, (n) adding requirements for emergency discharge control equipment on cargo tanks transporting liquefied emergency gases, and (p) requires MC330, MC331, and non spec cargo tank authorized under 173.315(k) to conform to new requirements for fusible elements; 177.834(i)(3) adds reference to the new provisions in 177.840 for attendance procedures in unloading of LPG and anhydrous ammonia, clarifying that person monitoring the unloading operation must be alert and have an unobstructed view of the cargo tank and delivery hose, (i)(5) is removed for clarity; 177.840 adds new provisions concerning unloading procedures for liquefied compressed gases; defining emergency discharge control, excess flow valve, integral excess flow valve, internal self-closing stop valve 178.337-1; placing all of the requirements related to MC331 cargo tank openings, inlets, and outlets under 178.337-8, move 178.337-9 (b)(6) to (b)(7), (b)(7) to (b)(8), and modifying (c) to allow for a product inlet to be marked as "spray-fill or vapor"; 178.337-11, adding requirement that liquid discharge lines in MC331 cargo tanks must be fitted with emergency discharge control equipment as in 173.315(n). These are not considered to be part of tank vehicle certification; 180.405, incorporate the retrofit requirements for MC330, MC331, and nonspecification cargo tank motor vehicles authorized under 173.315(k); definitions under 180.403; 180.407(h) to authorize a meter creep test, and adding requirement that delivery hose assemblies and piping systems of MC330, MC331, and nonspecification cargo tank must be visually inspected while under leakage test, includes record keeping requirements related to leakage test; 180.416 includes requirements for marking delivery hose assemblies, post-delivery hose checks, monthly and annual inspections and tests, and testing new, repaired delivery hose assemblies, also record keeping requirements and rejection criteria; 180.417 revised to require owners to retain any certification of emergency discharge control systems throughout their ownership of the tank and one year thereafter; adding appendices to Part 180 that outline methods for conducting periodic linkage tests and outlines acceptable leakage test including meter creep test.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-9-103
 FEDERAL REQUIREMENT FOR THIS RULE: 49 CFR 350 (2000)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR 107-181 (2000), as published by Regulations Management Corporation

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be minimal cost to the Department of Transportation or the Utah Highway Patrol in that Investigators and Officers will need to be informed of the new requirements. This can be accomplished through memos and/or in coordination meetings. There could be an additional 15 to 30 minutes added to the time a compliance review would take to be completed.

❖LOCAL GOVERNMENTS: There will be minimal cost to the city and county officers who will need to be informed of the new requirements. This can be accomplished through memos and/or in coordination meetings.

❖OTHER PERSONS: The procedures for unloading liquified compressed gases and anhydrous ammonia are common practice within the industry and will not add a financial burden on them. The added time to complete inspections of the hoses, record keeping requirements would add 30 minutes time, per month, per driver of an MC330 or MC331 cargo tank. It is unknown at this time how many of these tanks are in Utah. A driver's wage would be between \$12 and \$15.50 per hour divided by 1/2 times 12 (for the number of inspections required in a year) + 30 minutes annually for an inspection = \$72 to \$90 per tank per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The added time to complete inspections of the hoses, record keeping requirements would add 30 minutes time, per month, per driver of an MC330 or MC331 cargo tank. It is unknown at this time how many of these tanks are in Utah. A driver's wage would be between \$12 and \$15.50 per hour divided by 1/2 times 12 (for the number of inspections required in a year) + 30 minutes annually for an inspection = \$72 to \$90 per tank per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The overall changes to the rule are nominal to state enforcement; impact to the industry is not significant. Safety to the motoring public and customers is significant.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
 Motor Carrier
 Calvin Rampton
 4501 South 2700 West
 PO Box 148240
 Salt Lake City, UT 84114-8240, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4847, or by Internet E-mail at tscott@dot.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/17/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 07/18/2000

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

R909. Transportation, Motor Carrier.

R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

R909-75-1. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, of the October 1, [~~1998~~1999], edition as printed in the Regulations Management Corporation Service, are incorporated by reference. In addition, amendments to the same edition, which appear November 1, [~~1998~~1999], December 1, [~~1998~~1999], January 1, [~~1999~~2000], February 1, [~~1999~~2000], March 1, [~~1999~~2000], and April 1, [~~1999~~2000],[~~and May 1, 1999;~~] are incorporated by reference within this rule. This applies to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulation

~~October 4, 1999~~ July 2000 72-9-103
Notice of Continuation April 22, 1997 72-9-104



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Natural Resources; Oil, Gas and Mining; Coal **R645-105** Blaster Training, Examination and Certification

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22906
FILED: 06/01/2000, 08:18
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is enacted under the provisions of Section 40-10-6.5, and is a part of the state's coal regulatory primacy program under the (federal) Surface Coal Mining and Reclamation Act (Pub. L. No. 95-87).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments on the continued existence of this rule have been supportive of its continuation. Comments on the contents of the rule have been taken under advisement and will be addressed in future rulemaking.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is an integral part of the state's coal regulatory primacy program and as such is needed to maintain primacy in coal regulation for the State of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Oil, Gas and Mining; Coal

Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or Internet E-mail at rdaniels@state.ut.us.

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

EFFECTIVE: 06/01/2000



Natural Resources; Oil, Gas and Mining; Coal **R645-400** Inspection and Enforcement: Division Authorities and Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22907
FILED: 06/01/2000, 08:18
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is enacted under the provisions of Section 40-10-6.5, and is a part of the state's coal regulatory primacy program under the (federal) Surface Coal Mining and Reclamation Act (Pub. L. No. 95-87).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments on the continued existence of this rule have been supportive of its continuation. Comments on the contents of the rule have been taken under advisement and will be addressed in future rulemaking.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is an integral part of the state's coal regulatory primacy program and as such is needed to maintain primacy in coal regulation for the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Oil, Gas and Mining; Coal
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or Internet E-mail at rdnaniels@state.ut.us.

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

EFFECTIVE: 06/01/2000



Natural Resources, Wildlife Resources
R657-15
Closure of Gunnison, Cub and Hat
Islands

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22881
FILED: 05/22/2000, 16:58
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 23-21a-3, the Wildlife Board and Division of Wildlife Resources are authorized to provide for the management of Gunnison, Cub, and Hat Islands for the protection and perpetuation of the American white pelican.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The division has not received any written comments regarding this rule. Any comments received in opposition to the rule are resolved using existing policies and procedures, or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule places restrictions of access on, around, and over these islands. This protection from disturbance will ensure the continued use of these areas and result in successful brood rearing by the birds. The other habitat needs of these colonial nesting waterbirds are being met and their populations are healthy at this time. The Division of Wildlife Resources has carefully reviewed the biological data and purposes for which the Wildlife Board allows the taking of species listed in this rule and has determined that such species may be taken without harming the resource, while allowing recreational opportunities and depredation control on private lands.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 05/22/2000



Natural Resources, Wildlife Resources
R657-21
Cooperative Wildlife Management
Units for Small Game and Waterfowl

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22882
 FILED: 05/22/2000, 16:58
 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 23-23-3, the Wildlife Board is authorized to provide rules applicable to cooperative wildlife management units organized for the hunting of small game and waterfowl.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have received several comments, both in support and opposition to Rule R657-21 (Cooperative Wildlife Management Units for Small Game and Waterfowl). Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-21 provides the procedures, standards, and requirements for the establishment of a cooperative wildlife management unit. The provisions adopted in this rule are effective in providing the standards and requirements for establishing cooperative wildlife management units and providing adequate protection to landowners who open their lands for hunting and provide additional hunting opportunities. Continuation of this rule is necessary for continued success of this program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
 Wildlife Resources
 Suite 2110
 1594 West North Temple
 PO Box 146301
 Salt Lake City, UT 84114-6301, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 05/22/2000

Public Safety, Driver License
R708-32
 Uninsured Motorist Database

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22908
 FILED: 06/01/2000, 08:44
 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 41-12a-803(7) requires the Driver License Division to define the procedures which will be used to administer the provisions of the uninsured motorist database.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so the Driver License Division can have procedures in place to administer the database that is used for providing information regarding the uninsured motorist.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
 Driver License
 Calvin Rampton Complex
 4510 South 2700 West
 PO Box 30560
 Salt Lake City, UT 84130-0560, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 06/01/2000

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services

Fleet Operations

No. 22728 (AMD): R27-1 (Changed to R27-10).
Identification Mark for State Motor Vehicles.
Published: May 1, 2000
Effective: June 1, 2000

Fleet Operations, Surplus Property

No. 22729 (AMD): R28-1. State Surplus Property
Disposal.
Published: May 1, 2000
Effective: June 1, 2000

Agriculture and Food

Plant Industry

No. 22646 (AMD): R68-8-7. Labeling of Agricultural
Seed Varieties.
Published: March 1, 2000
Effective: May 30, 2000

Commerce

Administration

No. 22761 (AMD): R151-46b. Department of
Commerce Administrative Procedures Act Rules.
Published: May 1, 2000
Effective: June 1, 2000

Occupational and Professional Licensing

No. 22740 (AMD): R156-55b. Electricians Licensing
Rules.
Published: May 1, 2000
Effective: June 1, 2000

Real Estate

No. 22768 (AMD): R162-103. Appraisal Education
Requirements.
Published: May 1, 2000
Effective: June 1, 2000

No. 22769 (AMD): R162-104. Experience
Requirement.
Published: May 1, 2000
Effective: June 1, 2000

No. 22770 (AMD): R162-105. Scope of Authority.
Published: May 1, 2000
Effective: June 1, 2000

No. 22771 (AMD): R162-107. Unprofessional
Conduct.
Published: May 1, 2000
Effective: June 1, 2000

Education

Administration

No. 22717 (NEW): R277-473. Testing Procedures.
Published: April 15, 2000
Effective: May 16, 2000

No. 22718 (AMD): R277-501. Educator Licensing
Renewal.
Published: April 15, 2000
Effective: May 16, 2000

No. 22719 (AMD): R277-702. Procedures for the Utah
General Educational Development Certificate.
Published: April 15, 2000
Effective: May 16, 2000

Environmental Quality

Drinking Water

No. 22711 (AMD): R309-351 (Changed to R309-705).
Utah Federal State Revolving Fund (SRF) Program.
Published: April 15, 2000
Effective: May 16, 2000

Natural Resources

Parks and Recreation

No. 22706 (AMD): R651-611-4. Special Fees.
Published: April 15, 2000
Effective: May 16, 2000

Wildlife Resources

No. 22713 (AMD): R657-19. Taking Nongame
Mammals.
Published: April 15, 2000
Effective: May 17, 2000

No. 22714 (AMD): R657-33. Taking Bear.
Published: April 15, 2000
Effective: May 17, 2000

NOTICES OF RULE EFFECTIVE DATES

Public Safety

Driver License

No. 22756 (NEW): R708-36. Disclosure of Personal
Identifying Information in MVRs.

Published: May 1, 2000

Effective: June 1, 2000

Transportation

Motor Carrier

No. 22652 (AMD): R909-1. Safety Regulations for
Motor Carriers.

Published: March 1, 2000

Effective: June 1, 2000

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2000, including notices of effective date received through June 1, 2000, the effective dates of which are no later than June 15, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
AGRICULTURE AND FOOD					
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	22572	NEW	03/13/2000	2000-2/5
R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-46b	Department of Commerce Administrative Procedures Act Rules	22761	AMD	06/01/2000	2000-9/4
R156-55b	Electricians Licensing Rules	22740	AMD	06/01/2000	2000-9/20
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-57-302a	Qualifications for Licensure - Examination Requirements	22701	AMD	05/02/2000	2000-7/6
R156-59	Employee Leasing Company Act Rules	22677	AMD	04/17/2000	2000-6/11
R156-59	Professional Employer Organization Act Rules	22786	NSC	05/01/2000	Not Printed
R156-60c	Professional Counselor Licensing Act Rules	22726	5YR	04/06/2000	2000-9/183
R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-61-302e	Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training	22735	NSC	05/01/2000	Not Printed
R156-63-302a	Qualifications for Licensure - Application Requirements	22736	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22737	NSC	05/01/2000	Not Printed
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14
R156-71-202	Naturopathic Physician Formulary	22700	AMD	05/02/2000	2000-7/7
<u>Real Estate</u>					
R162-6	Licensee Conduct	22514	AMD	01/27/2000	99-24/10
R162-10	Administrative Procedures	22624	AMD	03/20/2000	2000-4/14
R162-103	Appraisal Education Requirements	22768	AMD	06/01/2000	2000-9/21
R162-104	Experience Requirement	22769	AMD	06/01/2000	2000-9/23
R162-105	Scope of Authority	22770	AMD	06/01/2000	2000-9/25
R162-106	Professional Conduct	22626	AMD	03/20/2000	2000-4/16
R162-107	Unprofessional Conduct	22771	AMD	06/01/2000	2000-9/27
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	22642	NEW	03/20/2000	2000-4/18
R164-4	Licensing Requirements	22643	AMD	03/20/2000	2000-4/29
R164-11	Registration Statement	22864	NSC	05/25/2000	Not Printed
R164-12	Sales Commission	22865	NSC	05/25/2000	Not Printed
R164-14	Exemptions	22644	AMD	03/20/2000	2000-4/20
R164-14	Exemptions	22866	AMD	05/25/2000	Not Printed
R164-26	Consent to Service of Process	22867	NSC	05/25/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
EDUCATION					
<u>Administration</u>					
R277-404	Year-Round School and Effective Facility Use Program	22563	REP	02/01/2000	2000-1/8
R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-462	Comprehensive Guidance Program	22669	AMD	04/03/2000	2000-5/6
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-473	Testing Procedures	22717	NEW	05/16/2000	2000-8/3
R277-501	Educator Licensing Renewal	22609	NEW	03/03/2000	2000-3/8
R277-501	Educator Licensing Renewal	22718	AMD	05/16/2000	2000-8/4
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
R277-514	Board Procedures: Sanctions for Misconduct	22670	AMD	04/03/2000	2000-5/8
R277-607	Truancy Prevention	22610	AMD	03/03/2000	2000-3/11
R277-702	Procedures for the Utah General Educational Development Certificate	22719	AMD	05/16/2000	2000-8/8
R277-904	Applied Technology Center and Service Region Standards and Operating Procedures	22611	AMD	03/03/2000	2000-3/13
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-110	General Requirements: State Implementation Plan	22623	NSC	02/25/2000	Not Printed
R307-110-19	Section XI, Other Control Measure for Mobile Sources	22553	AMD	02/10/2000	2000-1/14
R307-110-19	Section XI, Other Control Measures for Mobile Sources	22660	NSC	02/25/2000	Not Printed
R307-115	General Conformity	22688	NSC	03/20/2000	Not Printed
R307-121-2	Amount of Credit	22686	NSC	03/20/2000	Not Printed
R307-122-2	Amount of Credit	22687	NSC	03/20/2000	Not Printed
R307-150	Emission Inventories	22605	AMD	04/06/2000	2000-3/21
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	22724	5YR	04/05/2000	2000-9/184
R307-403-8	Offsets: Banking of Emission Offset Credit	22607	NSC	01/25/2000	Not Printed
R307-415-5a	Permit Applications: Duty to Apply	22606	AMD	04/06/2000	2000-3/23
<u>Drinking Water</u>					
R309-302	Required Certification Rules for Backflow Technicians in the State of Utah	22730	5YR	04/10/2000	2000-9/185
R309-351 (Changed to R309-705)	Utah Federal State Revolving Fund (SRF) Program	22711	AMD	05/16/2000	2000-8/11
R309-405	Compliance and Enforcement: Administrative Penalty	22604	NEW	04/17/2000	2000-3/25
<u>Radiation Control</u>					
R313-12	General Provisions	22598	AMD	03/10/2000	2000-3/27
R313-15	Standards for Protection Against Radiation	22599	AMD	03/10/2000	2000-3/34

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	22600	AMD	03/10/2000	2000-3/56
R313-22	Specific Licenses	22601	AMD	03/10/2000	2000-3/59
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	22602	AMD	03/10/2000	2000-3/77
R313-34	Requirements for Irradiators	22603	AMD	03/10/2000	2000-3/86
R313-34	Requirements for Irradiators	22720	5YR	04/03/2000	2000-9/186
<u>Solid and Hazardous Waste</u>					
R315-1-1	Utah Hazardous Waste Definitions and References	22537	NSC	01/25/2000	Not Printed
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22538	NSC	01/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22653	NSC	02/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22794	NSC	05/25/2000	Not Printed
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22539	NSC	01/25/2000	Not Printed
R315-3-20	Hazardous Waste Incinerator Plan Approvals	22654	NSC	02/25/2000	Not Printed
R315-5	Hazardous Waste Generator Requirements	22541	NSC	01/25/2000	Not Printed
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22541	NSC	01/25/2000	Not Printed
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22543	NSC	01/25/2000	Not Printed
R315-13	Land Disposal Restrictions	22544	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22545	NSC	01/25/2000	Not Printed
R315-50	Appendices	22546	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22547	NSC	01/25/2000	Not Printed
<u>Water Quality</u>					
R317-2	Standards of Quality for Waters of the State	22566	AMD	03/17/2000	2000-1/15
R317-4	Onsite Wastewater Systems	22490	NEW	02/16/2000	99-23/16
R317-4	Onsite Wastewater Systems	22691	NSC	03/20/2000	Not Printed
R317-501	Individual Wastewater Disposal Systems	22491	REP	02/16/2000	99-23/45
R317-502	Individual Disposal Wastewater Systems - General Requirements	22492	REP	02/16/2000	99-23/48
R317-503	Soil and Ground Water Requirements	22493	REP	02/16/2000	99-23/56
R317-504	Building Sewer	22494	REP	02/16/2000	99-23/58
R317-505	Septic Tanks	22495	REP	02/16/2000	99-23/59
R317-506	Discharge to Absorption System	22496	REP	02/16/2000	99-23/63
R317-507	Absorption Systems	22497	REP	02/16/2000	99-23/65
R317-508	Plan Information for Individual Wastewater Disposal Systems	22498	REP	02/16/2000	99-23/73
R317-509	Design, Installation, and Maintenance of Sewage Holding Tanks	22499	REP	02/16/2000	99-23/75

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R317-510	Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	22500	REP	02/16/2000	99-23/77
R317-511	Percolation Test Requirements	22501	REP	02/16/2000	99-23/80
R317-512	Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems	22502	REP	02/16/2000	99-23/82
R317-513	Recommendations for the Maintenance of Septic Tanks and Absorption Systems	22503	REP	02/16/2000	99-23/84

FINANCIAL INSTITUTIONS

Administration

R331-9	Rule Prescribing Rules of Procedure for Hearings Before Commissioner of Financial Institutions of the State of Utah	22830	NSC	05/25/2000	Not Printed
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Banks

R333-10	Securities Activities of Subsidiaries and Affiliates of State-Chartered Banks	22831	NSC	05/25/2000	Not Printed
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HEALTH

Epidemiology and Laboratory Services/ HIV/AIDS, Tuberculosis Control/Refugee Health

R388-802	HIV Positive Student or School Employee Rule	22837	NSC	05/25/2000	Not Printed
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Health Care Financing, Coverage and Reimbursement Policy

R414-1	Utah Medicaid Program	22512	AMD	01/26/2000	99-24/13
R414-58	Children's Organ Transplants	22529	AMD	02/17/2000	2000-1/29
R414-61	Home and Community Based Waivers	22513	AMD	see CPR	99-24/15
R414-61	Home and Community Based Waivers	22513	CPR	03/30/2000	2000-4/69
R414-303	Coverage Groups	22378	AMD	see CPR	99-19/25
R414-303	Coverage Groups	22378	CPR	01/26/2000	99-24/52
R414-304	Income and Budgeting	22703	EMR	03/09/2000	2000-7/19

Health Systems Improvement, Emergency Medical Services

R426-6	Emergency Medical Services Grants Program Rules	22534	AMD	04/30/2000	2000-1/31
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Health Systems Improvement, Health Facility Licensure

R432-7	Specialty Hospital - Psychiatric Hospital Construction	22630	5YR	02/01/2000	2000-4/70
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	22631	5YR	02/01/2000	2000-4/70
R432-9	Specialty Hospital - Rehabilitation Construction Rule	22632	5YR	02/01/2000	2000-4/71
R432-10	Specialty Hospital - Chronic Disease Construction Rule	22633	5YR	02/01/2000	2000-4/72
R432-11	Orthopedic Hospital Construction	22634	5YR	02/01/2000	2000-4/72
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	22635	5YR	02/01/2000	2000-4/73

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	22636	5YR	02/01/2000	2000-4/73
R432-14	Birthing Center Construction Rule	22637	5YR	02/01/2000	2000-4/74
R432-30	Adjudicative Procedure	22638	5YR	02/01/2000	2000-4/74
R432-270	Assisted Living Facilities	22655	5YR	02/09/2000	2000-5/64
R432-270	Assisted Living Facilities	22743	NSC	05/01/2000	Not Printed
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-20	Special Population Health Care Provider Financial Assistance Program	22622	AMD	03/24/2000	2000-4/31
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rules for the Certification of Environmental Laboratories	22516	AMD	03/01/2000	99-24/16
HOUSING FINANCE AGENCY					
<u>Administration</u>					
R460-1	Authority and Purpose	22682	5YR	02/23/2000	2000-6/46
R460-4	Additional Servicing Rules	22683	5YR	02/23/2000	2000-6/46
R460-6	Adjudicative Proceedings	22684	5YR	02/23/2000	2000-6/47
R460-7	Public Petitions for Declaratory Orders	22685	5YR	02/23/2000	2000-6/47
HUMAN SERVICES					
<u>Administration, Administrative Services, Licensing</u>					
R501-3	Categorical Standards	22694	REP	05/02/2000	2000-6/20
R501-12	Foster Care Rules	22629	AMD	03/17/2000	2000-4/38
R501-13	Core Standards for Adult Day Care Programs	22661	R&R	04/15/2000	2000-5/32
R501-19	Residential Treatment Programs	22695	NEW	05/02/2000	2000-6/28
R501-20	Day Treatment Programs	22696	NEW	05/02/2000	2000-6/31
R501-21	Outpatient Treatment Programs	22697	NEW	05/02/2000	2000-6/33
R501-22	Residential Support Programs	22698	NEW	05/02/2000	2000-6/36
<u>Aging and Adult Services</u>					
R510-302	Adult Protective Services	22619	5YR	01/24/2000	2000-4/75
R510-302	Adult Protective Services	22659	AMD	05/16/2000	2000-5/43
<u>Child and Family Services</u>					
R512-1	Description of Division Services, Eligibility, and Service Access	22814	EMR	05/01/2000	2000-10/56
R512-41	Qualifying Adoptive Families and Adoption Placement	22815	EMR	05/01/2000	2000-10/58
<u>Recovery Services</u>					
R527-5	Release of Information	22555	AMD	02/01/2000	2000-1/33
R527-10	Disclosure of Information to the Office of Recovery Services	22692	5YR	03/01/2000	2000-6/48
R527-24	Good Cause	22487	REP	01/10/2000	99-23/86

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R527-34-1	Non-AFDC Services	22628	AMD	03/24/2000	2000-4/42
R527-40	Retained Support	22656	5YR	02/10/2000	2000-5/65
R527-67	Locate, Use of Subpoena Duces Tecum	22820	5YR	05/03/2000	2000-11/102
R527-200	Administrative Procedures	22556	AMD	02/01/2000	2000-1/37
R527-200	Administrative Procedures	22754	NSC	05/01/2000	Not Printed
R527-475	State Tax Refund Intercept	22488	AMD	01/10/2000	99-23/87
R527-475	State Tax Refund Intercept	22708	5YR	03/24/2000	2000-8/34
R527-800	Enforcement Procedures	22755	NSC	05/01/2000	Not Printed
INSURANCE					
<u>Administration</u>					
R590-88	Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	22665	5YR	02/15/2000	2000-5/66
R590-128	Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised.)	22666	5YR	02/15/2000	2000-5/66
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	22667	5YR	02/15/2000	2000-5/67
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	22759	5YR	04/13/2000	2000-9/186
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	22641	AMD	04/11/2000	2000-4/48
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	22745	NSC	05/23/2000	Not Printed
R590-164	Uniform Health Billing Rule	22746	5YR	04/11/2000	2000-9/187
R590-164	Uniform Health Billing Rule	22747	NSC	05/23/2000	Not Printed
R590-170	Fiduciary and Trust Account Obligations	22489	AMD	see CPR	99-23/88
R590-170	Fiduciary and Trust Account Obligations	22489	CPR	03/07/2000	2000-2/25
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	NEW	see CPR	99-20/28
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	CPR	02/01/2000	99-24/53
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22416	NEW	01/25/2000	99-20/30
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22621	NSC	02/25/2000	Not Printed
R590-198	Valuation of Life Insurance Policies Rule	22506	NEW	01/04/2000	99-23/90
R590-198	Valuation of Life Insurance Policies Rule	22595	NSC	01/25/2000	Not Printed
LABOR COMMISSION					
<u>Adjudication</u>					
R602-2-1	Pleadings and Discovery	22764	NSC	04/14/2000	Not Printed
<u>Antidiscrimination and Labor, Antidiscrimination</u>					
R606-1-2	Definitions	22673	NSC	03/20/2000	Not Printed
R606-2-2	Guidelines	22674	NSC	03/20/2000	Not Printed
R606-3-2	Procedures and Prohibitions	22675	NSC	03/20/2000	Not Printed
R606-5-2	Procedures and Prohibitions	22676	NSC	03/20/2000	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Antidiscrimination and Labor, Fair Housing</u>					
R608-1-3	Reliance on Federal Law	22591	NSC	01/25/2000	Not Printed
<u>Industrial Accidents</u>					
R612-8	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	22592	5YR	01/03/2000	2000-3/91
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	22524	NSC	01/25/2000	Not Printed
R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	22766	NSC	05/01/2000	Not Printed
R614-1-10	Discrimination	22672	NSC	03/20/2000	Not Printed
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	22702	AMD	05/09/2000	2000-7/15
<u>LIEUTENANT GOVERNOR</u>					
<u>Elections</u>					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22590	NSC	01/25/2000	Not Printed
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22612	AMD	03/03/2000	2000-3/89
NATURAL RESOURCES					
<u>Oil, Gas and Mining: Coal</u>					
R645-105	Blaster Training, Examination and Certification	22906	5YR	06/01/2000	2000-12/58
R645-301-500	Engineering	22214	AMD	see CPR	99-16/32
R645-301-500	Engineering	22214	CPR	02/01/2000	2000-1/64
R645-400	Inspection and Enforcement: Division Authorities and Procedures	22907	5YR	06/01/2000	2000-12/58
<u>Parks and Recreation</u>					
R651-101	Adjudicative Proceedings	22750	NSC	05/01/2000	Not Printed
R651-205	Zoned Waters	22613	AMD	03/27/2000	2000-4/51
R651-611	Fee Schedule	22474	AMD	01/03/2000	99-22/17
R651-611-4	Special Fees	22706	AMD	05/16/2000	2000-8/18
<u>Forestry, Fire and State Lands</u>					
R652-40-300	Easements Acquired by Application	22819	NSC	05/25/2000	Not Printed
R652-70-2400	Recreational Use of Navigable Rivers	22428	AMD	02/29/2000	99-21/47
R652-120	Wildland Fire	22835	5YR	05/09/2000	2000-11/102
<u>Water Resources</u>					
R653-7	Administrative Procedures for Informal Proceedings	22763	NSC	05/01/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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Water Rights

R655-4	Water Well Drillers	22744	NSC	05/01/2000	Not Printed
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Wildlife Resources

R657-5	Taking Big Game	22519	AMD	see CPR	99-24/25
R657-5	Taking Big Game	22519	CPR	02/01/2000	2000-1/66
R657-6	Taking Upland Game	22520	AMD	01/18/2000	99-24/35
R657-13	Taking Fish and Crayfish	22392	AMD	01/03/2000	99-20/31
R657-13-4	Fishing Contests	22693	AMD	04/24/2000	2000-6/41
R657-13-12	Bait	22648	AMD	04/04/2000	2000-5/45
R657-15	Closure of Gunnison, Cub and Hat Islands	22881	5YR	05/22/2000	2000-12/59
R657-19	Taking Nongame Mammals	22712	5YR	03/30/2000	2000-8/34
R657-19	Taking Nongame Mammals	22733	NSC	05/01/2000	Not Printed
R657-19	Taking Nongame Mammals	22713	AMD	05/17/2000	2000-8/20
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	22882	5YR	05/22/2000	2000-12/59
R657-33	Taking Bear	22714	AMD	05/17/2000	2000-8/23
R657-38	Dedicated Hunter Program	22521	AMD	01/18/2000	99-24/38
R657-38	Dedicated Hunter Program	22649	AMD	04/04/2000	2000-5/46
R657-41-2	Definitions	22650	AMD	04/04/2000	2000-5/50
R657-46	The Use of Game Birds in Dog Field Trials and Training	22651	AMD	04/04/2000	2000-5/51
R657-47	Trust Fund Permits	22562	NEW	02/01/2000	2000-1/40

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22504	AMD	01/05/2000	99-23/96
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22671	AMD	04/03/2000	2000-5/53
R686-103	Professional Practices and Conduct for Utah Educators	22505	AMD	01/05/2000	99-23/105

PUBLIC SAFETY

Driver License

R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	22536	AMD	02/01/2000	2000-1/43
R708-20	Motor Vehicle Accident Prevention Course Standards	22757	NSC	05/01/2000	Not Printed
R708-32	Uninsured Motorist Database	22908	5YR	06/01/2000	2000-12/60
R708-36	Disclosure of Personal Identifying Information in MVRs	22756	NEW	06/01/2000	2000-9/180

Fire Marshal

R710-1	Concerns Servicing Portable Fire Extinguishers	22557	AMD	02/01/2000	2000-1/44
R710-2	Rules Pursuant to the Utah Fireworks Act	22558	AMD	02/01/2000	2000-1/50
R710-6	Liquefied Petroleum Gas Rules	22559	AMD	02/01/2000	2000-1/52

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R710-7	Concerns Servicing Automatic Fire Suppression Systems	22560	AMD	02/01/2000	2000-1/54
R710-8	Day Care Rules	22561	AMD	02/01/2000	2000-1/57
<u>PUBLIC SERVICE COMMISSION</u>					
<u>Administration</u>					
R746-360-2	Definitions	22530	NSC	01/25/2000	Not Printed
R746-401	Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Utilities	22550	NSC	01/25/2000	Not Printed
R746-405	Rules Governing the Filing of Tariffs for Gas Electric, Telephone, Water and Heat Utilities	22784	NSC	05/01/2000	Not Printed
<u>REGENTS (BOARD OF)</u>					
<u>Administration</u>					
R765-604	New Century Scholarship	22052	NEW	see CPR	99-11/63
R765-604	New Century Scholarship	22052	CPR	02/04/2000	99-20/53
R765-626	Lender-of-Last-Resort Program	22822	5YR	05/05/2000	2000-11/103
<u>SCHOOL AND INSTITUTIONAL TRUST LANDS</u>					
<u>Administration</u>					
R850-10	Expedited Rulemaking	22594	5YR	01/04/2000	2000-3/92
R850-11	Procurement	22618	R&R	03/17/2000	2000-4/53
R850-40-300	Easements Acquired by Application	22795	NSC	05/01/2000	Not Printed
R850-130-400	Application Procedures	22664	NSC	02/25/2000	Not Printed
R850-140-100	Authorities	22796	NSC	05/01/2000	Not Printed
<u>TAX COMMISSION</u>					
<u>Property Tax</u>					
R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	22627	AMD	03/28/2000	2000-4/56
R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40
<u>TRANSPORTATION</u>					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	22652	AMD	06/01/2000	200-5/62
<u>Motor Carrier, Ports of Entry</u>					
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22531	AMD	02/15/2000	2000-1/59
R912-76	Single Tire Configuration	22751	NSC	05/01/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Operations, Aeronautics</u>					
R914-1	Rules and Regulations of the Utah State Aeronautical Committee	22810	NSC	05/23/2000	Not Printed
R914-2	Safety Rules and Procedures for Aircraft Operations on Roads	22811	NSC	05/23/2000	Not Printed
<u>Operation, Traffic and Safety</u>					
R920-50	Tramway Operation Safety Rules	22617	AMD	03/24/2000	2000-4/64
TREASURER					
<u>Unclaimed Property</u>					
R966-1	Requirements for Claims where no Proof of Stock Ownership Exists	22799	NSC	05/23/2000	Not Printed
WORKFORCE SERVICES					
<u>Administration</u>					
R982-601-105	Reporting Requirements	22833	NSC	05/25/2000	Not Printed
<u>Employment Development</u>					
R986-418-812	Claims Against the Household	22834	NSC	05/25/2000	Not Printed
<u>Workforce Information and Payment Services</u>					
R994-102	Purpose of Employment Security Act	22823	NSC	05/25/2000	Not Printed
R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
R994-204-303	Factors Determining Independent Contractor Status	22825	NSC	05/25/2000	Not Printed
R994-205	Exempt Employment	22722	5YR	04/04/2000	2000-9/188
R994-206	Agricultural Labor	22723	5YR	04/04/2000	2000-9/188
R994-307-101	Relief of Charges to Contributing Employers	22826	NSC	05/25/2000	Not Printed
R994-308-106	Interest Earned on Cash Deposits	22827	NSC	05/25/2000	Not Printed
R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
R994-403	Claim for Benefits	22828	NSC	05/25/2000	Not Printed
R994-404	Wage Freeze Following Workers' Compensation	22829	NSC	05/25/2000	Not Printed

Keyword Index Begins on the Following Page

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 5YR = Five-Year Review
 EXD = Expired

NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 * = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACADEMIC PERFORMANCE</u>					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
<u>ACCIDENT PREVENTION</u>					
Public Safety, Driver License	22757	R708-20	NSC	05/01/2000	Not Printed
<u>ADJUDICATIVE PROCEEDINGS</u>					
Public Safety, Driver License	22536	R708-14	AMD	02/01/2000	2000-1/43
<u>ADMINISTRATIVE LAW</u>					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
<u>ADMINISTRATIVE PROCEDURES</u>					
Administrative Services, Fleet Operations	22807	R27-2	NSC	05/23/2000	Not Printed
Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Environmental Quality, Drinking Water	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Natural Resources, Parks and Recreation	22750	R651-101	NSC	05/01/2000	Not Printed
Natural Resources; Forestry, Fire and State Lands	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22819	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
Natural Resources, Water Resources	22763	R653-7	NSC	05/01/2000	Not Printed
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
	22795	R850-40-300	NSC	05/01/2000	Not Printed
	22664	R850-130-400	NSC	02/25/2000	Not Printed
<u>ADOPTION</u>					
Human Services, Child and Family Services	22815	R512-41	EMR	05/01/2000	2000-10/58

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ADULT EDUCATION</u>					
Education, Administration	22719	R277-702	AMD	05/16/2000	2000-8/8
	22611	R277-904	AMD	03/03/2000	2000-2/13
<u>ADULT PROTECTIVE SERVICES</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
<u>AFDC (Aid to Families with Dependent Children)</u>					
Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
<u>AIDS</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22837	R388-802	NSC	05/25/2000	Not Printed
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
	22688	R307-115	NSC	03/20/2000	Not Printed
	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
	22605	R307-150	AMD	04/06/2000	2000-3/21
	22724	R307-320	5YR	04/05/2000	2000-9/184
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
<u>AIRPORTS</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>AIRSPACE</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>AIR TRAFFIC</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>ALARM COMPANY</u>					
Commerce, Occupational and Professional Licensing	22737	R156-65	NSC	05/01/2000	Not Printed
<u>ALCOHOLIC BEVERAGES</u>					
Alcoholic Beverage Control, Administration	22639	R81-1-7	AMD	03/27/2000	2000-4/4
	22752	R81-1-12	NSC	05/01/2000	Not Printed
<u>ALTERNATIVE ONSITE WASTEWATER SYSTEMS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>ALTERNATIVE SYSTEMS</u>					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45
<u>APPELLATE PROCEDURES</u>					
Administrative Services, Fleet Operations	22807	R27-2	NSC	05/23/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Education, Administration	22611	R277-904	AMD	03/03/2000	2000-3/13
<u>APPRAISAL</u>					
Tax Commission, Property Tax	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
<u>ARCHITECTS</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>AVIATION SAFETY</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
	22811	R914-2	NSC	05/23/2000	Not Printed
<u>BANKS AND BANKING</u>					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
<u>BEAR</u>					
Natural Resources, Wildlife Resources	22714	R657-33	AMD	05/17/2000	2000-8/23
<u>BENEFITS</u>					
Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
<u>BIG GAME SEASONS</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
<u>BIRDS</u>					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>BOATING</u>					
Natural Resources, Parks and Recreation	22613	R651-205	AMD	03/27/2000	2000-4/51
<u>BOILERS</u>					
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
<u>BONDING REQUIREMENTS</u>					
Workforce Services, Workforce Information and Payment Services	22827	R994-308-106	NSC	05/25/2000	Not Printed
<u>BONDS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>BOXING</u>					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
<u>BROAD SCOPE</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>BUDGETING</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>BUILDING CODES</u>					
Commerce, Occupational and Professional Licensing	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
<u>BUILDING INSPECTION</u>					
Commerce, Occupational and Professional Licensing	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
<u>BURGLAR ALARM</u>					
Commerce, Occupational and Professional Licensing	22737	R156-65	NSC	05/01/2000	Not Printed
<u>BURNS</u>					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
<u>CAPITAL OUTLAY EQUALIZATION</u>					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
<u>CAPITOL-PRESERVATION</u>					
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>CERTIFICATION</u>					
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
<u>CHILD SUPPORT</u>					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
	22692	R527-10	5YR	03/01/2000	2000-6/48
	22487	R527-24	REP	01/10/2000	99-23/86
	22628	R527-34-1	AMD	03/24/2000	2000-4/42
	22656	R527-40	5YR	02/10/2000	2000-5/65
	22820	R527-67	5YR	05/03/2000	2000-11/102
	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22488	R527-475	AMD	01/10/2000	99-23/87
	22708	R527-475	5YR	03/24/2000	2000-8/34
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22815	R512-41	EMR	05/01/2000	2000-10/58
<u>CIVIL PROCEDURE</u>					
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>COAL MINES</u>					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22907	R645-400	5YR	06/01/2000	2000-12/58
<u>CODE OF CONDUCT</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>COMMUNICABLE DISEASES</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22837	R388-802	NSC	05/25/2000	Not Printed
<u>COMPULSORY EDUCATION</u>					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
<u>CONDUCT</u>					
Commerce, Real Estate	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
<u>CONFIDENTIALITY</u>					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
<u>CONSERVATION</u>					
Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
<u>CONSTRUCTION CONTRACTS</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22675	R606-3-2	NSC	03/20/2000	Not Printed
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
<u>CONTESTS</u>					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
<u>CONTRACTORS</u>					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/2000	2000-9/183
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22765	R606-3-2	NSC	03/20/2000	Not Printed
<u>CONTRACTS</u>					
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
<u>COVERAGE GROUPS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
<u>DAY CARE</u>					
Public Safety, Fire Marshal	22561	R710-8	AMD	02/01/2000	2000-1/57
<u>DECOMMISSIONING</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>DEFINITIONS</u>					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
<u>DEVELOPMENT</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	05/01/2000	Not Printed
<u>DISCIPLINARY ACTIONS</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
Professional Practices Advisory Commission, Administration	22505	R686-103	AMD	01/05/2000	99-23/105
<u>DISCRIMINATION</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>DIVERSION PROGRAMS</u>					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
<u>DOGS</u>					
Natural Resources, Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>DOMESTIC VIOLENCE</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
<u>DRIVER EDUCATION</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DRIVER LICENSE</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
<u>ECONOMIC DEVELOPMENT</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>EDUCATION</u>					
Commerce, Real Estate	22768	R162-103	AMD	06/01/2000	2000-9/21
<u>EDUCATIONAL PROGRAM EVALUATIONS</u>					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4
<u>EDUCATIONAL TESTING</u>					
Education, Administration	22717	R277-473	NEW	05/16/2000	2000-8/3
	22719	R277-702	AMD	05/16/2000	2000-8/8
<u>EDUCATION FACILITIES</u>					
Education, Administration	22563	R277-404	REP	02/01/2000	2000-1/8
<u>EDUCATOR LICENSE RENEWAL</u>					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4
<u>EDUCATOR LICENSURE</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>EDUCATORS</u>					
Professional Practices Advisory Commission, Administration	22505	R686-103	AMD	01/05/2000	99-23/105
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
<u>ELECTRICIANS</u>					
Commerce, Occupational and Professional Licensing	22740	R156-55b	AMD	06/01/2000	2000-9/20
<u>ELIGIBILITY</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
<u>EMERGENCY MEDICAL SERVICES</u>					
Health, Health Systems Improvement, Emergency Medical Services	22534	R426-6	AMD	04/30/2000	2000-1/31
<u>EMISSION FEE</u>					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
<u>EMPLOYMENT</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EMPLOYMENT AGENCIES</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22676	R606-5-2	NSC	03/20/2000	Not Printed
<u>EMPLOYMENT TESTS</u>					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
	22825	R994-204-303	NSC	05/25/2000	Not Printed
<u>ENDANGERED SPECIES</u>					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
<u>ENFORCEMENT</u>					
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
<u>ENGINEERS</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
Environmental Quality, Drinking Water	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
<u>ETHICS</u>					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>EXEMPTIONS</u>					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
<u>EXPERIENCE</u>					
Commerce, Real Estate	22769	R162-104	AMD	06/01/2000	2000-9/23
<u>EXTINGUISHERS</u>					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
<u>FACILITIES USE</u>					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
<u>FAIR HOUSING</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>FEED CONTAMINATION</u>					
Agriculture and Food, Plant Industry	22753	R68-2	NSC	05/01/2000	Not Printed
<u>FEES</u>					
Natural Resources, Parks and Recreation	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>FILING DEADLINES</u>					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>FINANCIAL ASSISTANCE</u>					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11
<u>FINANCIAL DISCLOSURE</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19
<u>FINANCIAL INFORMATION</u>					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
<u>FINANCIAL INSTITUTIONS</u>					
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
<u>FIREPLACE</u>					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
	22560	R710-7	AMD	02/01/2000	2000-1/54
	22561	R710-8	AMD	02/01/2000	2000-1/57
<u>FIREWORKS</u>					
Public Safety, Fire Marshal	22558	R710-2	AMD	02/01/2000	2000-1/50
<u>FISH</u>					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
<u>FISHING</u>					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
<u>FOOD INSPECTION</u>					
Agriculture and Food, Regulatory Services	22657	R70-310	5YR	02/10/2000	2000-5/64
	22658	R70-310	AMD	04/03/2000	2000-5/5
	22707	R70-310-2	NSC	05/01/2000	Not Printed
	22596	R70-630	5YR	01/11/2000	2000-3/91
	22597	R70-630	AMD	03/03/2000	2000-3/5
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
<u>FOSTER CARE</u>					
Human Services, Administration, Administrative Services, Licensing	22629	R501-12	AMD	03/17/2000	2000-4/38
<u>GAME LAWS</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22520	R657-6	AMD	01/18/2000	99-24/35

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22714	R657-33	AMD	05/17/2000	2000-8/23
<u>GENERAL CONFORMITY</u>					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
<u>GOOD CAUSE</u>					
Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
<u>GOVERNMENT DOCUMENTS</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>GOVERNMENT HEARINGS</u>					
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
Workforce Services, Employment Development	22834	R986-418-812	NSC	05/25/2000	Not Printed
<u>GOVERNMENT PURCHASING</u>					
School and Institutional Trust Lands, Administration	22618	R850-11	R&R	03/17/2000	2000-4/53
<u>GRANTS</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
<u>HAZARDOUS WASTE</u>					
Environmental Quality, Solid and Hazardous Waste	22537	R315-1-1	NSC	01/25/2000	Not Printed
	22538	R315-2	NSC	01/25/2000	Not Printed
	22653	R315-2-9	NSC	02/25/2000	Not Printed
	22794	R315-2-9	NSC	05/25/2000	Not Printed
	22539	R315-3	NSC	01/25/2000	Not Printed
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22541	R315-5	NSC	01/25/2000	Not Printed
	22542	R315-7	NSC	01/25/2000	Not Printed
	22543	R315-8	NSC	01/25/2000	Not Printed
	22544	R315-13	NSC	01/25/2000	Not Printed
	22545	R315-16	NSC	01/25/2000	Not Printed
	22546	R315-50	NSC	01/25/2000	Not Printed
	22547	R315-101	NSC	01/25/2000	Not Printed
<u>HEALTH FACILITIES</u>					
Health, Health Systems Improvement, Health Facility Licensure	22630	R432-7	5YR	02/01/2000	2000-4/70
	22631	R432-8	5YR	02/01/2000	2000-4/70
	22632	R432-9	5YR	02/01/2000	2000-4/71
	22633	R432-10	5YR	02/01/2000	2000-4/72
	22634	R432-11	5YR	02/01/2000	2000-4/72
	22635	R432-12	5YR	02/01/2000	2000-4/73
	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22638	R432-30	5YR	02/01/2000	2000-4/74
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
<u>HEALTH INSURANCE</u>					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
<u>HEARINGS</u>					
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
<u>HIGHER EDUCATION</u>					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
	22822	R765-626	5YR	05/05/2000	2000-11/103
<u>HIV</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22837	R388-802	NSC	05/25/2000	Not Printed
<u>HOUSING</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>HOUSING FINANCE</u>					
Housing Finance Agency, Administration	22682	R460-1	5YR	02/23/2000	2000-6/46
	22683	R460-4	5YR	02/23/2000	2000-6/46
	22684	R460-6	5YR	02/23/2000	2000-6/47
	22685	R460-7	5YR	02/23/2000	2000-6/47
<u>HUMAN SERVICES</u>					
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>INCOME</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
	22703	R414-304	EMR	03/09/2000	2000-7/19
<u>INDEPENDENT CONTRACTOR</u>					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>INFORMAL ADJUDICATIVE PROCEEDINGS</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
<u>INSPECTIONS</u>					
Agriculture and Food, Plant Industry	22646	R68-8-7	AMD	05/30/2000	2000-5/4
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	22600	R313-16	AMD	03/10/2000	2000-3/56
<u>INSURANCE</u>					
Insurance, Administration	22759	R590-140	5YR	04/13/2000	2000-9/186
	22641	R590-153	AMD	04/11/2000	2000-4/48
	22745	R590-153	NSC	05/23/2000	Not Printed
	22489	R590-170	AMD	see CPR	99-23/88
	22489	R590-170	CPR	03/07/2000	2000-2/25
	22417	R590-196	NEW	see CPR	99-20/28
	22417	R590-196	CPR	02/01/2000	99-24/53
<u>INSURANCE COMPANIES</u>					
Insurance, Administration	22666	R590-128	5YR	02/15/2000	2000-5/66
	22506	R590-198	NEW	01/04/2000	99-23/90
	22595	R590-198	NSC	01/25/2000	Not Printed
<u>INSURANCE LAW</u>					
Insurance, Administration	22665	R590-88	5YR	02/15/2000	2000-5/66
	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	22416	R590-197	NEW	01/25/2000	99-20/30
	22621	R590-197	NSC	02/25/2000	Not Printed
<u>INVENTORIES</u>					
Environmental Quality, Air Quality	22605	R307-150	AMD	04/06/2000	2000-3/21
<u>IRRADIATORS</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
<u>LABORATORIES</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	22516	R444-14	AMD	03/01/2000	99-24/16
<u>LAND SALE</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	05/01/2000	Not Printed
<u>LICENSING</u>					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
	22734	R156-24a-503	NSC	05/01/2000	Not Printed
	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
	22725	R156-38	5YR	04/06/2000	2000-9/183
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	05/01/2000	Not Printed
	22726	R156-60c	5YR	04/06/2000	2000-9/183
	22588	R156-61	AMD	02/15/2000	2000-2/12
	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
	22737	R156-65	NSC	05/01/2000	Not Printed
	22589	R156-66	AMD	02/15/2000	2000-2/14
	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
Transportation, Operations, Aeronautics	22811	R914-2	NSC	05/23/2000	Not Printed
<u>LIENS</u>					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/2000	2000-9/183
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety, Fire Marshal	22559	R710-6	AMD	02/01/2000	2000-1/52
<u>LOANS</u>					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-705)	AMD	05/16/2000	2000-8/11
<u>LOBBYIST</u>					
Lieutenant Governor, Elections	22590	R623-1	NSC	01/25/2000	Not Printed
	22612	R623-1	AMD	03/03/2000	2000-3/88

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>MANAGEMENT</u>					
Natural Resources, Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	05/01/2000	Not Printed
<u>MATERIALS HANDLING</u>					
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
<u>MEDICAID</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22512	R414-1	AMD	01/26/2000	99-24/13
	22513	R414-61	AMD	see CPR	99-24/15
	22513	R414-61	CPR	03/30/2000	2000-4/69
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
<u>MENTAL HEALTH</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
<u>MOTOR VEHICLE RECORD</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
<u>MOTOR VEHICLES</u>					
Administrative Services, Fleet Operations	22728	R27-1 (Changed to R27-10)	AMD	06/01/2000	2000-9/2
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22724	R307-320	5YR	04/05/2000	2000-9/184
Public Safety, Driver License	22757	R708-20	NSC	05/01/2000	Not Printed
<u>NATURAL RESOURCES</u>					
Natural Resources, Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	05/01/2000	Not Printed
<u>NATUROPATHIC PHYSICIANS</u>					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
<u>NATUROPATHS</u>					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
<u>NEW HIRE REGISTRY</u>					
Workforce Services, Workforce Information and Payment Services	22614	R994-315-105	AMD	04/21/2000	2000-4/66
<u>NONATTAINMENT</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>NURSES</u>					
Commerce, Occupational and Professional Licensing	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>OCCUPATIONAL LICENSING</u>					
Commerce, Occupational and Professional Licensing	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22740	R156-55b	AMD	06/01/2000	2000-9/20
<u>OFFSET</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>ONSITE WASTEWATER SYSTEMS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>OPERATING PERMIT</u>					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
<u>ORGAN TRANSPLANTS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22529	R414-58	AMD	02/17/2000	2000-1/29
<u>OVERPAYMENT</u>					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
		R527-200	NSC	05/01/2000	Not Printed
<u>OZONE</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>PARKS</u>					
Natural Resources, Parks and Recreation	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
<u>PARTICULATE MATTER</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>PASSENGER TRAMWAYS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
<u>PENALTIES</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
<u>PENALTY</u>					
Environmental Quality, Drinking Water	22604	R309-405	NEW	04/14/2000	2000-3/25
<u>PERMITS</u>					
Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PERSONAL PROPERTY</u>					
Tax Commission, Property Tax	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
<u>PHARMACIES</u>					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHARMACISTS</u>					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHYSICAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	22734	R156-24a-503	NSC	05/01/2000	Not Printed
<u>PLANNING-BUDGETING</u>					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>PRIVACY</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
<u>PRIVACY LAW</u>					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
<u>PROCUREMENT</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>PROFESSIONAL COMPETENCY</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
<u>PROFESSIONAL COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
<u>PROFESSIONAL EDUCATION</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>PROFESSIONAL EMPLOYER ORGANIZATION</u>					
Commerce, Occupational and Professional Licensing	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	05/01/2000	Not Printed
<u>PROPERTY CLAIMS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22522	R884-24P-62	AMD	01/20/2000	99-24/40

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PSYCHOLOGISTS</u>					
Commerce, Occupational and Professional Licensing	22588	R156-61	AMD	02/15/2000	2000-2/12
<u>PUBLIC BUILDINGS</u>					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>PUBLIC EDUCATION</u>					
Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
<u>PUBLIC SCHOOLS</u>					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
<u>PUBLIC UTILITIES</u>					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
<u>RABBITS</u>					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
<u>RADIATION</u>					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
<u>RADIATION SAFETY</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
<u>RADIOACTIVE MATERIAL</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>RADIOACTIVE WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
<u>RATES</u>					
Workforce Services, Workforce Information and Payment Services	22826	R994-307-101	NSC	05/25/2000	Not Printed
<u>READING</u>					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
<u>REAL ESTATE</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	05/01/2000	Not Printed
<u>REAL ESTATE APPRAISAL</u>					
Commerce, Real Estate	22768	R162-103	AMD	06/01/2000	2000-9/21
	22769	R162-104	AMD	06/01/2000	2000-9/23
	22770	R162-105	AMD	06/01/2000	2000-9/25
	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>REAL ESTATE BUSINESS</u>					
Commerce, Real Estate	22514	R162-6	AMD	01/27/2000	99-24/10
	22624	R162-10	AMD	03/20/2000	2000-4/14
<u>RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22906	R645-400	5YR	06/01/2000	2000-12/58
<u>RECORDS APPEAL HEARINGS</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>RECREATION</u>					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>REGISTRATION</u>					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>REPORTS</u>					
Environmental Quality, Air Quality	22605	R307-150	AMD	04/06/2000	2000-3/21
<u>RESPIRATORY CARE</u>					
Commerce, Occupational and Professional Licensing	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
<u>RULEMAKING PROCEDURES</u>					
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
<u>RULES AND PROCEDURE</u>					
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
<u>SAFETY</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
Labor Commission, Occupational Safety and Health	22765	R614-1-1	NSC	05/01/2000	Not Printed
	22524	R614-1-4	NSC	01/25/2000	Not Printed
	22766	R614-1-5	NSC	05/01/2000	Not Printed
	22672	R614-1-10	NSC	03/20/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
<u>SCHOLARSHIP</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
<u>SDWA (Safe Drinking Water Act)</u>					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SECONDARY EDUCATION</u>					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
<u>SECURITIES</u>					
Commerce, Securities	22642	R164-2	NEW	03/20/2000	2000-4/18
	22643	R164-4	AMD	03/20/2000	2000-4/20
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
<u>SECURITIES REGULATION</u>					
Commerce, Securities	22642	R164-2	NEW	03/20/2000	2000-4/18
	22643	R164-4	AMD	03/20/2000	2000-4/20
	22864	R164-11	NSC	05/25/2000	Not Printed
	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
	22867	R164-26	NSC	05/25/2000	Not Printed
<u>SECURITY GUARDS</u>					
Commerce, Occupational and Professional Licensing	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
<u>SEPTIC SYSTEMS</u>					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45
<u>SEPTIC TANKS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>SETTLEMENT</u>					
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
<u>SHELTER CARE FACILITIES</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
<u>SMALL BUSINESS ASSISTANCE PROGRAM</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>SMALL GAME</u>					
Natural Resources, Wildlife Resources	22882	R657-21	5YR	05/22/2000	2000-12/59
<u>SOCIAL SERVICES</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
<u>SOVEREIGN LANDS</u>					
Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
<u>SPECIFIC LICENSES</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>STATE BUILDINGS</u>					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>STATE PROPERTY</u>					
Administrative Services, Fleet Operations, Surplus Property	22729	R28-1	AMD	06/01/2000	2000-9/3
<u>STATE RECORDS COMMITTEE</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>STOCKS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>STOVE</u>					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
<u>STUDENT COMPETENCY</u>					
Education, Administration	22719	R277-702	AMD	05/16/2000	2000-8/8
<u>STUDENT ELIGIBILITY</u>					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>STUDENT LOANS</u>					
Regents (Board of), Administration	22822	R765-626	5YR	05/05/2000	2000-11/103
<u>SUBPOENAS</u>					
Human Services, Recovery Services	22820	R527-67	5YR	05/03/2000	2000-11/102
<u>SUBSIDIARIES</u>					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
<u>SURPLUS PROPERTY</u>					
Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
<u>SURVEYS</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
Natural Resources, Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	05/01/2000	Not Printed
<u>SYSTEMS</u>					
Public Safety, Fire Marshal	22560	R710-7	AMD	02/01/2000	2000-1/54
<u>TARIFFS</u>					
Public Service Commission, Administration	22784	R746-405	NSC	05/01/2000	Not Printed
<u>TAXATION</u>					
Tax Commission, Property Tax	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
<u>TAX EXEMPTIONS</u>					
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TEACHER CERTIFICATION</u>					
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
<u>TEACHER LICENSURE</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
<u>TELECOMMUNICATIONS</u>					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
<u>TIME</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>TIRES</u>					
Transportation, Motor Carrier, Ports of Entry	22751	R912-76	NSC	05/01/2000	Not Printed
<u>TRAINING</u>					
Natural Resources Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>TRAINING PROGRAMS</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>TRAMWAY PERMITS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
<u>TRAMWAYS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
<u>TRIP REDUCTION</u>					
Environmental Quality, Air Quality	22724	R307-320	5YR	04/05/2000	2000-9/184
<u>TRUANCY</u>					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
<u>TRUCKS</u>					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59
<u>UNEMPLOYED WORKERS</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>UNEMPLOYMENT COMPENSATION</u>					
Workforce Services, Workforce Information and Payment Services	22823	R994-102	NSC	05/25/2000	Not Printed
	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
	22826	R994-307-101	NSC	05/25/2000	Not Printed
	22827	R994-308-106	NSC	05/25/2000	Not Printed
	22828	R994-403	NSC	05/25/2000	Not Printed
	22829	R994-404	NSC	05/25/2000	Not Printed
<u>UNINSURED EMPLOYERS</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
<u>UNINSURED MOTORIST DATABASE</u>					
Public Safety, Driver License	22908	R708-32	5YR	06/01/2000	2000-12/60
<u>UNITS</u>					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
<u>UNIVERSAL SERVICE</u>					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
<u>UTILITY REGULATION</u>					
Public Service Commission, Administration	22784	R746-405	NSC	05/01/2000	Not Printed
<u>WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
<u>WASTE WATER</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
	22491	R317-501	REP	02/16/2000	99-23/45
	22492	R317-502	REP	02/16/2000	99-23/48
	22493	R317-503	REP	02/16/2000	99-23/56
	22494	R317-504	REP	02/16/2000	99-23/58
	22495	R317-505	REP	02/16/2000	99-23/59
	22496	R317-506	REP	02/16/2000	99-23/63
	22497	R317-507	REP	02/16/2000	99-23/65
	22498	R317-508	REP	02/16/2000	99-23/73
	22499	R317-509	REP	02/16/2000	99-23/75
	22500	R317-510	REP	02/16/2000	99-23/77
	22501	R317-511	REP	02/16/2000	99-23/80
	22502	R317-512	REP	02/16/2000	99-23/82
	22503	R317-513	REP	02/16/2000	99-23/84
<u>WATER POLLUTION</u>					
Environmental Quality, Water Quality	22566	R317-2	AMD	03/17/2000	2000-1/15
<u>WATER QUALITY STANDARDS</u>					
Environmental Quality, Water, Quality	22566	R317-2	AMD	03/17/2000	2000-1/15
<u>WATER RIGHTS</u>					
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>WELFARE FRAUD</u>					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22755	R527-800	NSC	05/01/2000	Not Printed
<u>WELL DRILLING</u>					
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22520	R657-6	AMD	01/18/2000	99-24/35
	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22882	R657-21	5YR	05/22/2000	2000-12/59
	22714	R657-33	AMD	05/17/2000	2000-8/23
	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22651	R657-46	AMD	04/04/2000	2000-5/51
	22562	R657-47	NEW	02/01/2000	2000-1/40
<u>WILDLIFE LAW</u>					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
	22882	R657-21	5YR	05/22/2000	2000-12/59
<u>WILDLIFE MANAGEMENT</u>					
Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
<u>WILDLIFE PERMITS</u>					
Natural Resources, Wildlife Resources	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22562	R657-47	NEW	02/01/2000	2000-1/40
<u>WORKER'S COMPENSATION</u>					
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
Workforce Services, Workforce Information and Payment Services	22829	R994-404	NSC	05/25/2000	Not Printed
<u>X-RAY</u>					
Environmental Quality, Radiation Control	22600	R313-16	AMD	03/10/2000	2000-3/56
<u>YEAR-ROUND SCHOOLS</u>					
Education, Administration	22563	R277-404	REP	02/01/2000	2000-1/8